

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA PLAINTIFF

VERSUS CIVIL ACTION NO. 3:16-CV-00489-CWR-JCG

THE HINDS COUNTY BOARD OF SUPERVISORS,
HINDS COUNTY SHERIFF, ET AL. DEFENDANTS

VIDEOCONFERENCE PROCEEDINGS
BEFORE THE HONORABLE CARLTON W. REEVES,
UNITED STATES DISTRICT COURT JUDGE,
SEPTEMBER 15, 2021,
JACKSON, MISSISSIPPI

(Appearances noted herein.)

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FOR THE DEFENDANTS:

CLAIRE BARKER, ESQ.
TONY R. GAYLOR, ESQ.

ALSO PRESENT:

ANTHONY NJOKU
ELIZABETH SIMPSON
DAVID PARRISH
JIM MOESER
RICHARD DUDLEY
SHERIFF MARSHAND CRISLER
CAPTAIN JEFF BURNLEY
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1 **PROCEEDINGS VIA VIDEOCONFERENCE, SEPTEMBER 15, 2021**

2
3 THE COURT: This is United States versus Hinds County,
4 3:16-CV-489-CWR-JGC. Who's on for the Government?

5 MR. CHENG: Your Honor, this is Christopher Cheng,
6 C-h-e-n-g. We also have Laura Cowall, C-o-w-a-l-l; Sarah
7 Steege, S-t-e-e-g-e; Helen Vera, V-e-r-a; and one of our
8 staff, Anthony Njoku, is also observing.

9 THE COURT: Okay. And I do see Attorney -- AUSA Mitzi
10 Dease-Paige as well.

11 MR. CHENG: Yes, Your Honor.

12 Sorry about that, Mitzi.

13 THE COURT: No problem.

14 Who's on for Hinds County?

15 MR. GAYLOR: For Hinds County we have Attorney Tony
16 Gaylor, County board attorney; as well as Mr. Kenny Wayne
17 Jones, the County administrator; as well as the board
18 president, Supervisor Credell Calhoun.

19 THE COURT: Who's on for the Hinds County Sheriff
20 Department?

21 MS. BARKER: Good morning, Your Honor. This is Claire
22 Barker on behalf of the Hinds County Sheriff's Department.
23 You will notice that there are a number of employees on the
24 line. Most notably, the new jail administrator, Major Kathryn
25 Bryan, is on the line with us.

1 THE COURT: The jail administrator, Ms. -- the jail
2 administrator. Could you repeat her name?

3 MS. BARKER: Kathryn Bryan, B-r-y-a-n.

4 THE COURT: Anyone else from the sheriff's department
5 on?

6 MS. BARKER: In my --

7 THE COURT: Ms. Barker?

8 MS. BARKER: In my office I have with me Captain Jeff
9 Burnley, and I believe we have a Ms. Priscilla Dawson, our
10 quality assurance coordinator, is on us with us as well. I've
11 been notified that the sheriff is trying to call in at this
12 moment, Interim Sheriff Crisler.

13 MR. GREEN: And, Your Honor, Synarus Green, compliance
14 coordinator, is also on for Hinds County.

15 MR. GAYLOR: Your Honor, I believe we also have
16 Fernandez Frazier on the line with Henley-Young. We do.

17 THE COURT: Okay. Anyone else from the sheriff's
18 department? I heard Ms. Barker say that the interim sheriff
19 is trying to get on the line.

20 My monitors are here. If you will, tell us who you
21 are, and this is primarily --

22 MS. SIMPSON: Your Honor --

23 THE COURT: -- for the public. Excuse me. Go ahead.

24 MS. SIMPSON: Good morning, Your Honor. This is
25 Elizabeth Simpson, Lisa Simpson, and my team is also on the

1 line: Dave Parrish, Jim Moeser, and Dr. Richard Dudley.

2 THE COURT: Thank you. Any --

3 MR. GAYLOR: Your Honor --

4 THE COURT: Mr. Gaylor?

5 MR. GAYLOR: I'm sorry, Your Honor. I also wanted to
6 note that on behalf of the County, we have a number of our
7 contractors: Mr. David Marsh with Benchmark Construction as
8 well as -- his team as well as Mr. Rob Farr with Cooke
9 Douglass Farr Lemons. We also have Mr. LeRoy Lee, who's our
10 maintenance director, on the line, on the call.

11 THE COURT: Okay. Thank you.

12 Any interested parties?

13 MS. JONES: Yes. Good morning, Judge Reeves. This is
14 Leslie Faith Jones with Southern Poverty Law Center, and joint
15 expert Anne Nelsen is also with us.

16 THE COURT: I'm sorry. Could you repeat the second
17 name, Ms. Jones?

18 MS. JONES: Yes, sir. Anne Nelsen, N-e-l-s-e-n.

19 THE COURT: Okay. Anyone else who's involved in this
20 case?

21 All right. The Court has set this call up, status
22 conference through Zoom, and we're doing something different
23 this time with respect to the Zoom connection. The public has
24 been given access to these proceedings through Zoom. You will
25 not hear from the public because we've made sure -- or at

1 least we will attempt to make sure that only those -- only the
2 participants are unmuted. In the past the public has
3 participated, if you will, and observed these proceedings
4 through telephone connection, but we're trying something new
5 in allowing the public to actually see and participate in the
6 proceedings as if they are in court, and we'll see how that
7 works.

8 Before we begin with this status conference, I do want
9 to note that the sheriff, the sheriff that we know who has
10 been part of this case since 20-- I guess as the elected
11 sheriff, I guess, the sheriff-elect and the sheriff, the
12 sheriff-elect during 2019 and became sheriff and took the oath
13 of office January 2020, that sheriff, Mr. Lee Vance, is no
14 longer with us. He was a victim of -- from public sources and
15 everything, from COVID-19, something that we've all talked
16 about on these calls and others. And the Court extends its
17 sympathies to Hinds County, to the sheriff's department, and
18 to Mr. Vance's family. It's quite shocking to the Court,
19 quite shocking to the community, but this reminds each of us
20 how fragile life is and how temporary life is.

21 So I do offer from the Court my sympathies to Mr. Vance
22 and his family and friends and all those who know and love
23 him. And I start off with that because I would like the
24 County and the sheriff's department to make an extraordinary
25 and concerted effort of getting this consent decree behind

1 you, if for no other reason, in the memory of Lee Vance. You
2 need to make strong steps toward doing that, of getting
3 everything in place and getting everything involved. Now, so
4 that's what I wanted to open up with.

5 The second thing that I would say, obviously with the
6 death of Mr. Vance come changes, and interim -- from public
7 sources, the Court itself is a constituent in Hinds County,
8 and the Court knows that the sheriff's department -- excuse
9 me -- that the Board of Supervisors has appointed an interim
10 sheriff, that an election has been announced, and I think that
11 the last the Court observed, there are, like, 13 candidates
12 running to -- for that office to complete the term of --
13 Mr. Vance's term. And interim sheriff, Mr. Marshand Crisler,
14 was appointed by the sheriff's department -- excuse me -- by
15 the Board of Supervisors, and we know the election, I believe,
16 is November the 2nd.

17 The Court anticipates -- because, again, the Court does
18 not live in a vacuum and the Court has some history, the Court
19 expects there likely will be a run-off, and if there is a
20 run-off, the final election will be sometime later during the
21 month of November, I think, probably the Tuesday after
22 Thanksgiving, I think. I'm not sure.

23 But, anyway, there's a lot of transition that will be
24 going on in the Hinds County Sheriff's Department. There is a
25 lot of transition that's going on right now. The one thing

1 that is not in transition is this consent decree and the
2 obligations that the County and the sheriff's department are
3 bound by right now. The fact that Mr. Vance is no longer here
4 does not mean that the obligations of the County or the
5 sheriff's department have somewhat disappeared because of his
6 absence. The terms of the consent decree are -- still govern
7 this action.

8 And so we're here today to discuss these matters, and
9 the Court has received the most recent monitoring report -- I
10 think it's the 14th monitoring report that was filed in July.
11 And I know we're getting ready for the next monitoring report
12 to be prepared based on the things that the monitors have done
13 since the last report.

14 So I guess the first thing that I'll do is allow the
15 monitors to give me some assessment of where we have -- where
16 we have come since our last status conference, which I believe
17 was in June of 2021, and I imagine there are -- according to
18 this 14th monitoring report, there are certain deficiencies
19 that are glaring deficiencies that hopefully have been
20 rectified or hopefully -- well, that I know will be discussed
21 today.

22 So I'll turn it over to you, Ms. Simpson, and you may
23 come in any way -- you and your team may come in any way you
24 wish. I may interject and have a couple of questions for you
25 during the course of the proceedings, but please come in your

1 own way, Ms. Simpson.

2 MS. SIMPSON: Thank you, Your Honor.

3 This has been, I think it's fair to say, a tumultuous
4 year for the jail and for Hinds County. Some of it took place
5 prior to our June site visit. It's been -- like I said, the
6 year as a whole has been a difficult one, and much of this was
7 reported in the newspaper, so I'm sure you're familiar with
8 some of this.

9 But there have been five deaths in the facility this
10 year, two suicides, one detainee was found unresponsive. It
11 appears likely to be a drug overdose, but I don't believe
12 there's a final cause of death ruled. One inmate -- or
13 actually arrestee died in booking. I don't know that the
14 cause of death has been determined on that one either. And
15 one inmate died of COVID. So five deaths in this timeframe.

16 There has been an escape of two inmates --

17 THE COURT: I'm sorry, Ms. Simpson. I apologize. Is
18 this five deaths this year or five deaths since we last spoke
19 in June?

20 MS. SIMPSON: Five deaths this year.

21 THE COURT: Okay.

22 MS. SIMPSON: So I believe one of them -- one of the
23 suicides was in April, I think, and the death in booking I
24 think was prior to our last status conference. But, yes, five
25 deaths this year, then the escape of two inmates.

1 There was -- is a surge in COVID. It looks like that's
2 coming down now, but quite a few detainees and staff members
3 tested positive for COVID. I believe it's in the 80s or 90s
4 combined detainees and staff.

5 And as reported in the last status conference, there
6 seems to be a high amount of contraband in the facility,
7 leading to a number of overdoses. There was the one that
8 appears to be an overdose leading to death. But in addition,
9 at least as of June, there were seven overdoses in the last
10 three months, and there have been several since then,
11 according to the incident reports.

12 And then, of course, the passing of Sheriff Vance
13 certainly is causing a transition as you described.

14 On the positive side, the new jail administrator is on
15 board. As you probably know, shortly after she came on board,
16 she tested positive for COVID and so had to quarantine. So
17 she's, in effect, really only been on-site for about a month
18 after coming back from her quarantine. And COVID has created
19 other complications, which I think Major Bryan can be more
20 informative about in terms of how they're able to quarantine
21 so many individuals in the jail with -- who have tested
22 positive with, of course, limited areas that can be isolated.

23 So I wanted to start actually by turning it over to
24 Dave Parrish. As before, some of the most intractable issues
25 are in his area, and that is primarily the staffing and the

1 facility. And there are some others that he'll discuss. So I
2 want to turn it over to Mr. Parrish first, and then Dr. Dudley
3 will talk about the medical and mental health issues. And
4 I'll wrap up the adult side with some of the more
5 administrative issues. So that's the road map here, and I'll
6 turn it over to Mr. Parrish now.

7 THE COURT: All right. Before you do that, I do want
8 the record to reflect that Sheriff Crisler is at the hearing.

9 So, Mr. Parrish, you may proceed.

10 MR. PARRISH: Thank you, Your Honor.

11 Thank you, Lisa.

12 Well, as Lisa mentioned, in June the sheriff's office
13 hired a new jail administrator, Major Bryan, and she brings
14 better qualifications to hold that position along with her,
15 better than any of her predecessors that have been in that
16 position. And I've been working on this project going back to
17 2014 for the Justice Department even prior to the settlement
18 agreement, so I've dealt with four different jail
19 administrators over that period of time. Her presence is
20 refreshing.

21 During the past month, she and I have worked
22 collaboratively to do -- primarily on two projects: One,
23 updating the revised staffing analysis; and, two, identifying
24 all detention positions within the sheriff's office in order
25 to make sure that they're appropriately allocated.

1 With regard to the revised staffing analysis, that
2 needs to be done on an annual basis. But it also needs to be
3 done this year, because detention services recently reverted
4 to the eight-hour shift, and for the previous year they've
5 been on a 12-hour shift. Since there are different relief
6 factors associated with that, it had to be redone anyway, but
7 she and I have spent quite a bit of time going through post by
8 post, position by position, and she brings a fresh approach to
9 how some people could be assigned. So that work is still in
10 progress, but we're really making headway on it. It should be
11 done shortly.

12 Identifying the positions within the sheriff's office,
13 Doris Coleman, the HR director, sent me a listing of all
14 sheriff's office positions, and according to that count, there
15 were 429 positions in the sheriff's office, of which
16 approximately two-thirds, 281, are assigned to detention
17 services. So two-thirds of the sheriff's office is the jail
18 system. This is for funded positions. The other 148
19 positions are on the law enforcement and support side. They
20 represent 34.5 percent of the sheriff's office.

21 And just as a side note, it's something that I looked
22 at because I had some members of the command staff make
23 comments about the ratio of female to male officers in the
24 jail system. And so when I looked at those numbers, I came up
25 with a fairly accurate count showing that of the filled

1 detention services positions, 41 percent of the detention
2 officers are male, while 59 percent of the detention officers
3 are female. That's pretty far out of balance with what you
4 find for the inmate population, which is currently
5 94.1 percent male and 5.9 percent female. I just found it to
6 be an interesting statistic.

7 THE COURT: Mr. Parrish, let me ask you this. You
8 indicated that two-thirds of the employees with the sheriff's
9 department, two-thirds -- that's 66 percent of the sheriff's
10 department -- is assigned basically to the detention -- to
11 running the detention facilities.

12 MR. PARRISH: That's correct. It's 65.5 percent,
13 almost exactly two-thirds of the entire sheriff's office deals
14 with the jail system.

15 THE COURT: And maybe the sheriff's department can tell
16 me this. So that means the remaining people are support
17 people, deputies, and people doing all the functions of the
18 sheriff's department outside of the detention facilities. And
19 I ask that question: How are the -- I know there's a handful
20 of courtroom bailiffs that each of the circuit and chancery
21 court judges and maybe county court, too -- I don't know --
22 are assigned. Are they calculated in that one-third number?

23 MR. PARRISH: To the best of my knowledge, that's
24 correct.

25 THE COURT: Okay. And all -- and the deputies who have

1 to -- investigators and people who arrive on the scene when
2 there's something there going on in the county or any of the
3 municipalities in the county, those persons are part of the
4 one-third?

5 MR. PARRISH: Yes, sir.

6 THE COURT: Okay. You may proceed, Mr. Parrish.

7 MR. PARRISH: Thank you, sir.

8 While the new jail administrator is taking some very
9 proactive steps to address the long-standing problems, she
10 faces basically the same issues that the monitoring team has
11 brought before the Court since 2016, when Hinds County entered
12 into the settlement agreement. Of course, those primary areas
13 are: One, lack of staff; two, ongoing facility maintenance
14 issues; and, three, the inability of staff to be able to
15 properly implement direct supervision, primarily at the
16 Raymond Detention Center. The work center is moving in the
17 right direction, but the Raymond Detention Center still has
18 some real issues there.

19 The most recent figures that I received from HR show
20 that only 226 of the 281 funded positions are actually filled.
21 Now, this may have changed since I got these numbers over a
22 week ago. But that's about where the number has been for the
23 past two years, and I've never seen it exceed 256. But it's
24 been in the neighborhood of 225 to 230 or so for basically the
25 past two years. There really hasn't been any change.

1 And while maintenance issues have been more reasonably
2 addressed since the County brought on board Benchmark
3 Construction and the sheriff made Sergeant Winter the de facto
4 maintenance coordinator, we find that delays in renovating
5 first Charlie Pod and now Bravo Pod have been problematic.
6 Now, up until yesterday, I was not aware, but apparently Bravo
7 Pod is now being used. I can't really answer that, because I
8 don't have any information on it yet. But it was my
9 understanding that once it was finished with the renovation,
10 that it would reopen and would be staffed according to direct
11 supervision, as Charlie Pod was supposed to have been done in
12 October of 2020 when it reopened. And at that point, we
13 anticipated that Alpha Pod would be closed. But I'm going to
14 have to defer to the sheriff's office to explain exactly where
15 we stand on that right now.

16 The bottom line was that when Bravo Pod was scheduled
17 to be reopened, my concern was: How is it going to be staffed
18 for direct supervision when the number of filled positions is
19 basically where we've been for the past two years and they
20 haven't been able to staff Charlie Pod properly for direct
21 supervision? So now when we open up Bravo Pod and that's
22 supposed to be with direct supervision, I'm not sure where the
23 people come from. It always seems to come back down to
24 bodies: Do we have enough people to actually operate things?

25 And the situation in Charlie Pod has not really changed

1 over the past year since it reopened. Housing units have been
2 all too routinely left unattended. Sometimes the suicide
3 watch unit is even left unattended. Inmates are routinely
4 locked down, or at least half of them are locked down in their
5 cells when they should all be out in the dayroom. Just like a
6 direct-supervision dormitory works at the work center, all the
7 inmates are out all day, and they go to bed at night. The
8 officer does not tell them half of them you have to stay on
9 your bunk and only half of you are allowed out at a time, but
10 that's the way things seem to operate at the Raymond Detention
11 Center.

12 So while the monitoring team is committed to working
13 with Major Bryan to address these long-standing problems, she
14 still has her hands full. She's come in to take over some
15 real issues, and some things just go back for so much time.
16 Not to bring it up to explain why now or anything, but I'll
17 just give you an example.

18 When we started this monitoring process in 2016, one of
19 the first things that was pointed out was the inmate handbook
20 needs to be updated and reissued. Five years later, it still
21 hasn't happened. It's been handed off from one person to
22 another, one person retired who had that job, and so forth.
23 But the bottom line is that's something that really could have
24 been done within the first six months, but five years after
25 we've started, an issue like updating the inmate handbook and

1 getting it out to the inmates is still up in the air. We
2 still don't have an answer on that.

3 And then the issue of COVID has been devastating,
4 because it brings on board an additional classification
5 criteria that Hinds County certainly did not need. It means
6 that certain inmates need to be separated for that reason as
7 opposed to charges or behavior or that sort of thing, and
8 that's really created problems. And so as a result, booking
9 is still being used to house inmates. In the latest figures
10 that I looked at from yesterday, there were seven inmates
11 housed in booking. That's something we've tried to stop since
12 we started this process in 2016, but every time something --
13 we're moving in the right direction, something happens,
14 whether it's a maintenance issue that shuts down a part of the
15 jail or most recently COVID, which has created just an
16 additional layer of problems for the jail system.

17 So that concludes my presentation, sir.

18 MS. SIMPSON: Actually, Dave, you mentioned that there
19 are 281 funded positions for detention, of which 226 are
20 filled, but could you give us the number of positions that are
21 actually needed based on your recent staffing analysis?

22 MR. PARRISH: Yes. Major Bryan and I are working on
23 the revised staffing analysis, which right now calls for
24 approximately 330 detention positions required to operate the
25 work center; the Raymond Detention Center; and then the first

1 floor, the transfer area, of the Jackson Detention Center,
2 where inmates go to and from court. That's not open all the
3 time, but that's still part of the system. Inmates are not
4 housed in that facility anymore.

5 That number is subject to change as she and I work on
6 that, but roughly speaking, 330. That's also based on the
7 assumption that Bravo Pod is reopened and has a mental health
8 unit in it, which increases staffing required for that area.
9 So that's the assumption that underlies the revised staffing
10 analysis, but the bottom line figure's 330.

11 THE COURT: All right. Ms. Simpson, did you have
12 anything else? I saw you.

13 MS. SIMPSON: The only thing I would add is something
14 the Court may want to ask about, and I know we will be asking
15 about it during the site visit, is there's been some reference
16 in documents that have been provided that the sheriff's office
17 may decide to continue operating some of the housing units in
18 A-Pod. And I have not heard of any definitive answer on that,
19 but it's important to remember that the stipulated order
20 requires that once B-Pod is renovated and opened, if A-Pod is
21 used, it needs to be renovated and brought up to the same
22 standard. So I don't know where that stands, but I think it's
23 something that we want to make sure that we're all on the same
24 page about the criteria for continuing to use A-Pod.

25 And, Judge, did you have any questions for Mr. Parrish,

1 or should I have Dr. Dudley proceed?

2 THE COURT: No, I have plenty of questions,
3 Ms. Simpson, and if Mr. Parrish can't answer them, whoever can
4 answer them should speak up.

5 And for the benefit of the public, before you begin to
6 speak, just announce who you are at all times for the benefit
7 of the public and the court reporter, but particularly for the
8 public.

9 Ms. Simpson opened up her remarks with the number of
10 deaths that have occurred in the detention center: five
11 deaths and two suicides. Mr. Parrish, what, if any,
12 information have you been able to glean from information
13 provided to you by the sheriff's department? What is the
14 status of the -- I assume each of these instances are being
15 investigated -- each of these instances is being investigated
16 by somebody, either the sheriff's department, MBI, FBI, some
17 law enforcement entity, some investigatory entity or
18 investigating entity, somebody.

19 Do we know if each of these matters is being
20 investigated or has been investigated, Mr. Parrish?

21 MR. PARRISH: Your Honor, our information is pretty
22 sketchy. My understanding was that the sheriff's office was
23 going to have each death investigated by the Mississippi
24 Bureau of Investigation. We have yet to receive a report from
25 MBI on any of these cases. There was an IAD investigation on

1 the suicide in booking, Justin Mosley back in April, and the
2 sheriff's office has taken disciplinary action with regard to
3 that with termination and suspension. But beyond that, we do
4 not have anything.

5 I have seen some e-mails that are going back internally
6 within the sheriff's office indicating that an IA
7 investigation was completed on at least one of these cases. I
8 have yet to see it. It may have gotten lost in cyberspace or
9 something, but we do not have more current information from
10 IAD on any of these others, which is the inmate death in
11 booking in March. The sheriff's position originally had been
12 that that was not an inmate, because he hadn't been booked.
13 But I think the Justice Department made it clear that any of
14 those investigat- -- any deaths within the jail need to be
15 investigated per the policy that the sheriff's office had
16 issued.

17 And we have a JCA that was housed in booking, and then
18 we have a suicide in Charlie 4 back in July, and then we have
19 an inmate death in the hospital due to COVID, and finally we
20 have the escape.

21 I just saw an incident report on that that was sent to
22 us just a couple of days ago, but that was back in the
23 beginning of August, and we had never received anything more
24 detailed, not even a rapid notification report. So we're
25 pretty far behind the curve on investigations, and with regard

1 to MBI, we have none. There may be some out there from IAD
2 that have gone on within the sheriff's office. They haven't
3 found their way to us yet.

4 MS. SIMPSON: Your Honor, --

5 THE COURT: Ms. Simpson, I'm sorry.

6 MS. SIMPSON: -- I just wanted to add a little bit to
7 this discussion, and Dr. Dudley may have more to say as well.

8 I think the area of investigations has been of some
9 concern to -- of great concern, actually, I would say to the
10 monitoring team, and that is that even though IAD and
11 sometimes CID are -- investigations are completed, they really
12 don't do the kind of interdisciplinary investigation that
13 should be done on -- certainly on deaths but also on other
14 critical incidents.

15 The focus of the investigations that are done have
16 generally been, you know, is there a crime to be prosecuted or
17 is there a personnel policy to -- to enforce and has not
18 really been the interdisciplinary kind of investigation: Was
19 this incident handled appropriately? What kind of policy
20 changes might need to be made to ensure that it doesn't happen
21 in the future?

22 And I believe that Major Bryan has a fairly good
23 understanding of the type of investigation that needs to be
24 done, and so hopefully we'll start seeing these going forward.
25 But the investigations of these critical incidents has really

1 not been the type of intense interdisciplinary investigation
2 that needs to be done in this kind of situation.

3 So -- so as Dave Parrish said, we really haven't seen
4 the investigation reports on most of these recent deaths, but
5 what we've seen in the past on critical incidents is really
6 not the kind of investigation we would want to see.

7 THE COURT: A going-forward basis might be a good idea
8 for those people who might be hurt in the future, but people
9 who have died in the detention center deserve the right to
10 have their matters investigated. The public has a right to
11 know how they've been investigated. The Court has a right to
12 know how they're being investigated, and I think the consent
13 decree itself requires that the parties, the DOJ, the
14 monitors, and all know how those are being investigated.

15 I think you said there were five deaths that was just
16 this calendar year and two suicides this calendar year?

17 MS. SIMPSON: Actually, the five deaths -- this is Lisa
18 Simpson. The five deaths include the two suicides.

19 THE COURT: Okay. So five deaths, but that would be
20 during this calendar year, 2021?

21 MS. SIMPSON: Yes, Your Honor.

22 THE COURT: Okay. Now, who's speaking on behalf of the
23 sheriff's department to tell me where -- what's the status of
24 these investigations and if the Court needs to get Mississippi
25 Bureau of Investigation involved and as a part of this, or

1 whoever might be investigating this, if they need to be a part
2 of the next status conference, I'm willing to do that. But I
3 need to know that there -- what's the status of these
4 investigations for these five deaths?

5 MS. BARKER: Your Honor, this is Claire Barker on
6 behalf of the sheriff's office.

7 As far as any internal investigation on these deaths,
8 they have been done in our internal affairs division. On the
9 suicides, the Justice Department and the monitors do have our
10 internal affairs investigation on that. Disciplinary action
11 was taken. They, I believe yesterday, received a large batch
12 of internal affairs files that included the investigation on
13 the drug overdose and the other suicide that occurred with our
14 disciplinary actions that were taken.

15 As far as the arrestee that died in booking, that was
16 a -- the Justice Department and the monitors should have our
17 IAD file on that as well, because disciplinary action was
18 taken on that.

19 There was a lag time in a couple of -- in the monitors
20 and the Department of Justice receiving the most recent IAD
21 investigation due to the fact that the disciplinary action
22 review committee had not been able to meet for obvious
23 circumstances with COVID and the death of Sheriff Vance. We
24 finally met this week, and so those internal affairs files
25 were disclosed.

1 As far as the outside entity that is investigating
2 these deaths as well, MBI has not -- we have not received a
3 final conclusion on any of these investigations from MBI. As
4 soon as we receive those, of course we will turn those over to
5 the monitors and the Justice Department.

6 And, additionally, there is -- pursuant to the consent
7 decree, there is a mortality review that needs to be done, and
8 Major Bryan I believe has been meeting with our medical
9 provider to get with them to ensure that they do a mortality
10 review. And I believe -- if she wants to add anything to that
11 as well.

12 Major Bryan, if I missed anything.

13 They are to do a mortality review on all of these
14 deaths, so that is the status of all the investigations
15 regarding these deaths.

16 THE COURT: Do you know if -- in the MBI's
17 investigation if people -- are you aware of any observations
18 of MBI having come to the facility to interview people or to
19 do -- I just want to know what's going on. I mean, I know it
20 may take some time for MBI to complete the investigation, but
21 from the perspective of those in the sheriff's department,
22 does it appear that MBI is investigating these matters?

23 MS. BARKER: Your Honor, I don't have any information
24 either that they are or they aren't. I don't know if anybody
25 else on this call has observed that. I do believe that one of

1 the issues with the time -- with the -- I guess a long time,
2 the delay in getting the investigations done is with the state
3 medical examiner's office. I believe that there was a problem
4 with a backlog there, and that is just simply what I've heard.
5 I haven't actually confirmed that with someone at MBI, but
6 that's what someone from investigations has told me.

7 THE COURT: Okay. Well, I think it's going to behoove
8 us to find -- you know, because obviously these are detainees,
9 and if there are witnesses who are detainees, it seems to me
10 that at some point in time those witnesses are going to
11 disappear. You know, they're going to be released; they're
12 going to be sent somewhere else. Nobody remains permanently
13 at that place, and if MBI hasn't even been on the ground to
14 interview and talk to people, that's -- in my view, that's a
15 problem.

16 I mean, I'm no investigator, though. They could tell
17 me that, you know, it is typical for us not to go on the
18 ground and talk to people and take statements. They may say
19 that. I don't know. But it seems to me in my line of work
20 and having observed other investigations, there is --
21 investigators go to the scene and find out what evidence is on
22 the scene, and they take statements. At least they do that.

23 So it's problematic that we've had five deaths in the
24 detention center this year, and that was the one thing that I
25 told the parties when I inherited this case that I did not

1 want to see happen under my watch.

2 The second thing, Ms. Simpson, from the report and,
3 Mr. Parrish, I note that in the synopsis -- this is a quote --
4 "There were a record number of fights and assaults at RDC in
5 May." A record number. We know that there have always been
6 fights and assaults, but in May you say that there's a record
7 number.

8 What, if any information, Mr. Parrish, are you -- have
9 you reviewed or received that shows those fights and assaults
10 have been investigated or are being investigated?

11 MR. PARRISH: Your Honor, those are routinely
12 investigated by CID. When we have inmate-on-inmate, that's
13 handled by CID, and they do follow up on them. Unfortunately,
14 most inmates refuse to make statements or press charges, so
15 criminal follow up on those cases is very, very rare. But the
16 sheriff's office is consistently there following up on those
17 cases as they are identified and reported.

18 THE COURT: Okay. And I --

19 MS. SIMPSON: Your Honor?

20 THE COURT: Go ahead, Ms. Simpson. I'm sorry.

21 MS. SIMPSON: No, I apologize for interrupting.

22 I just wanted to add that one of the things we've
23 mentioned, I believe in the June report but certainly in prior
24 reports, is that the investigations, the CID investigations,
25 could be more thorough. One problem is that there are so many

1 cameras that are not functioning at RDC and so there --
2 normally an investigation would include reviewing the camera
3 footage to see what happened, and we see the staff at the work
4 center doing that now that they have functioning cameras that
5 record. But so many of the cameras at RDC are not
6 functioning, and so that makes it difficult to actually do a
7 more thorough investigation.

8 And, again, I would say that CID -- the focus of CID is
9 generally to determine whether there should be a criminal
10 prosecution, but there also needs to be a more thorough
11 evaluation of some of these incidents to determine whether
12 there was a policy violation, whether there should be a policy
13 change to prevent that kind of incident in the future, and
14 that kind of evaluation has really not taken place in the
15 past. And, again, I believe that Major Bryan has an
16 understanding of that, and hopefully we'll see it going
17 forward. But it has been a problem.

18 THE COURT: Okay.

19 MR. PARRISH: Your Honor, --

20 THE COURT: Yes.

21 MR. PARRISH: -- this is David Parrish again.

22 If I could quickly follow up on what was just said. An
23 example that we would love to see would be we have a problem
24 in a direct-supervision housing unit, fight between people.
25 From our reading of the incident reports, it appears that

1 nobody was present, and there's supposed to be an officer
2 inside the housing unit at all times. That's never mentioned
3 in the CID investigation that there was no officer present
4 where there's supposed to be somebody 24 hours a day. That's
5 the kind of thing that has never been included in the CID
6 investigations that would really be helpful for the
7 administration to be able to address the problem in the
8 future. Just an example. Thank you.

9 THE COURT: Okay. Thank you.

10 Turning back to the report, but before I do, I did see
11 that the sheriff had raised his hand at one point in time,
12 which is a good thing on the Zoom. You can raise your hand,
13 and we can acknowledge that. I don't see him on the line
14 anymore, but if there was a comment from the sheriff,
15 obviously he should speak.

16 MS. BARKER: Your Honor, Major Bryan would like to
17 speak on this issue.

18 THE COURT: Okay.

19 MS. BRYAN: Good morning, Your Honor.

20 THE COURT: Good morning.

21 MS. BRYAN: Kathryn Bryan, jail administrator for Hinds
22 County.

23 Circling back to the issue of investigations, there are
24 several issues to flesh out what's already been presented to
25 you, sir. It's been my experience in the past that there are

1 tandem investigations that are conducted for an inmate death.
2 One is the criminal investigation, whether it's done by a
3 state and/or the local entity; the other is the administrative
4 investigation, whose purpose is strictly a policy and systems
5 review to shore up any deficiencies that may have led to the
6 inmate death.

7 That may or may not be being done, Your Honor. I
8 cannot judge the efficacy of either investigation, because I
9 don't have access to those. I have not had access to any of
10 those to date to make that judgment call, to make any
11 corrective measures that may need to be taken to prevent
12 another inmate death.

13 The other issue are the mortality reviews, as
14 Ms. Barker raised. The medical staff had not been doing
15 mortality reviews. I understand that that isn't necessarily
16 something that our medical vendor in general is familiar with.
17 So we finally had their version of a mortality review on just
18 three of the cases this morning, but they had not requested
19 nor had access to any autopsy or toxicology reports. So for
20 them to formulate findings of preventability, not having those
21 documents is very problematic. So we're still -- still have a
22 huge hurdle with that issue, sir.

23 THE COURT: You indicated that there might be multiple
24 investigations going on at the same time. Ms. Bryan, do you
25 have access to the internal affairs investigation?

1 MS. BRYAN: I do not.

2 THE COURT: You do not?

3 MS. BRYAN: No, sir.

4 THE COURT: Your policies don't allow you to -- well,
5 how are you expected to make corrective actions with people
6 who report to you if you are not aware of what internal
7 affairs has determined? I'm just asking. I mean, I'm just a
8 person who is there -- I guess that may be a rhetorical
9 question, but would it benefit you, Ms. Bryan, as you're the
10 jail administrator; right?

11 MS. BRYAN: Yes, sir.

12 THE COURT: These people who work in the detention
13 center ultimately report to you; correct?

14 MS. BRYAN: They do.

15 THE COURT: All right. Okay. Maybe we'll push that to
16 the side, because I do have more questions about something
17 else. So thank you.

18 And I assume, then, the sheriff's wing of the criminal
19 investigation division, once that report is done or completed,
20 is that shared with you, Ms. Bryan?

21 MS. BRYAN: Not to date, Your Honor.

22 THE COURT: All right. And, of course, any
23 investigation by Mississippi Bureau of Investigation, to the
24 extent any one has been completed at this time, that has not
25 been shared with you either?

1 MS. BRYAN: Yes, sir, that's correct.

2 THE COURT: All right. Now, again, turning back to the
3 report, Mr. Parrish and Ms. Simpson, I've just mentioned the
4 fights and assaults. You also indicate, "There continue to be
5 fires set by inmates."

6 What, if anything, do we know about the continuing
7 fires being set within the pods or within the facility?

8 MR. PARRISH: Your Honor, the -- in that report we were
9 referring to a significant series of fires that were set by
10 inmates. I think one of the points that we made there was
11 that in one case there were three fires set in the same
12 lockdown housing unit over a period of about an hour, and in
13 each of the incident reports, officers had to respond from
14 outside of the unit. There was nobody inside there with them.

15 So lack of supervision is key. If there had been
16 people in there, inside the housing unit, I don't think we
17 would have the same kind of problem. That comes back to
18 staffing, but it also comes back to complying with the
19 provisions of operating a direct-supervision jail where you
20 have officers actually working inside the housing units.
21 Where if you're dealing with a lockdown unit like Charlie 4,
22 that you have multiple officers inside the housing unit, not
23 always responding from outside. So, unfortunately, the
24 problem has been responding after the fact instead of being
25 proactive and having somebody in place.

1 THE COURT: Okay.

2 MS. SIMPSON: Your Honor --

3 THE COURT: Oh, I'm sorry, Ms. Simpson. I'm sorry.

4 MS. SIMPSON: I'm sorry. It takes me a second or two
5 to unmute, and I get a little behind on the conversation.

6 In terms of number, the -- looking at the incident
7 reports, it looks like there were maybe five fires in July and
8 a fewer number in August. I would say this time around we
9 discovered that we actually were missing a number of incident
10 reports for kind of a technical issue, so I haven't reviewed
11 all of them from that time period, but certainly in July the
12 volume seemed to continue. In August it looks a little bit
13 less.

14 THE COURT: Okay. Another point of reference in the
15 report which caught my attention, "There is an" -- this is a
16 quote: "There is an extremely large amount of contraband in
17 the facility, including drugs."

18 Now, it's this court's experience that contraband is
19 brought into the prison by somebody. A lot of times it's by
20 employees. Other times it's by visitors. But contraband, I'm
21 pretty sure, is not given because -- because the word
22 "contraband" itself means that it's not something that's
23 freely given by the sheriff's department, I would imagine, to
24 the individuals, so it's coming into the facility.

25 And when you say "an extremely large amount," it's very

1 concerning, and part of what the large amount is is drugs,
2 which even is more concerning, which leads to your next
3 statement in your report: A number of overdoses, whether
4 people ultimately die from the drugs or not. That is
5 concerning.

6 What -- Mr. Parrish, Ms. Simpson, what information have
7 you been provided to show that this extremely large amount of
8 contraband being on -- what investigations are being done?
9 What type of disciplinary actions have been taken? What type
10 of referrals to the district attorney's office have been made?
11 What are -- what is the sheriff's department or the detention
12 center doing about the large amount of contraband as far as
13 the records and information that you've been provided and that
14 you see, Ms. Simpson and Mr. Parrish?

15 MR. PARRISH: Your Honor, this is Dave Parrish.

16 Two primary ways that contraband gets into the
17 facility, particularly the Raymond Detention Center, is, one,
18 with the public bringing contraband up, throwing it over the
19 fence, inmates going up through the ceiling, particularly from
20 Alpha Pod where they don't have direct supervision and where
21 it has not been renovated, and going out and bringing the
22 contraband back in. I think we've made reference back in the
23 past that we don't find people escaping to get out of the
24 jail; they break out to bring contraband back in.

25 The other way is not necessarily with visitors, because

1 they don't have face-to-face visitor contact there, but
2 perhaps through staff bringing it in. The sheriff's office
3 has been proactive in taking disciplinary action and firing
4 and charging people who they have found who have done that.

5 But the problem of contraband is still there. The
6 number of cellphones I don't think is as high as the
7 astronomical number that we first found when we went in.
8 There are still lots of cellphones and components that are
9 found, but I think the point that was made in this last report
10 was there seems to have been a shift toward more drugs, which
11 is then seen with inmates falling out every now and then,
12 apparently from drug overdoses.

13 So the County is supposed to have outside security
14 around the facilities at all times. That post is left
15 unstaffed, so when somebody is sitting in the master control
16 and looks on a camera and sees a strange car driving around
17 the outside or something caught on the razor ribbon on the
18 fence, they call in somebody to take a look at things. But
19 that's generally the way they find it from the outside, and
20 then they do check people out coming in to work, and that's
21 how they have found some cases from staff.

22 THE COURT: And when you -- and I know contraband could
23 come in many sources. I mean, money can be contraband, I
24 guess, and other things. But when this report speaks of
25 contraband, Mr. Parrish and Ms. Simpson, what types of things

1 are you talking about?

2 MR. PARRISH: We're finding drugs, cellphones,
3 components, even weapons.

4 THE COURT: Okay. Weapons. What type of weapons?
5 Shanks?

6 MR. PARRISH: Knives. Obviously something that didn't
7 come from inside the facility. And, you know, they're doing a
8 better job of shakedowns and recording the shakedowns, even
9 using the GoPro cameras and keeping a record of it, and then
10 when we get an incident report, we'll get a picture attached
11 of this is not only a list of the items that were found but
12 here's pictures of various things, and it's pretty amazing to
13 look at some of those pictures.

14 THE COURT: Okay. Other areas that you noted in your
15 synopsis, I think -- obviously the C-Pod was closed at one
16 time, I think for renovations, I think, as I recall. The
17 B-Pod was supposed to be ready by this time, I think by today
18 or maybe by the end of this month. Do we know if B-Pod is
19 ready, Mr. Parrish?

20 MR. PARRISH: Your Honor, that's what I mentioned
21 during my initial comments. I don't really know. I do know
22 from looking at a document that we got yesterday showing where
23 people are assigned who may be quarantined or have testing
24 status for COVID and so forth -- it was provided for a
25 different reason, but it reflected that inmates are now being

1 housed in Bravo 1, 2, and 4. I didn't find anybody being
2 housed in 3. Maybe there is somebody there, but I missed it.
3 And then I found seven people that were being housed in
4 booking.

5 So apparently Bravo is now open. We've never received
6 any notice it was going to be reopened, how it was going to be
7 staffed, or whether all of the work was done. I know the
8 primary work on the security doors done by CML was done some
9 time ago, but the County had a lot of other work to do, and I
10 can't answer that. We're going to have to defer to the
11 sheriff's office for that answer.

12 MR. CHENG: Your Honor --

13 THE COURT: Who -- oh, I'm sorry, Mr. Cheng.

14 MR. CHENG: Yes. If I could interject here, there was
15 an all-parties conference just a few weeks ago to talk about
16 B-Pod. At the time, our understanding was the sheriff's
17 department was trying to rush the opening of B-Pod. Because
18 of the COVID situation and the need for quarantine housing,
19 they were trying to expedite some of the physical plant
20 improvements. I think everyone recognized at the time that
21 these were not the complete remedies and improvements required
22 by the court orders, but there were sort of like interim
23 emergency steps being taken to try to get rid of the worst
24 issues in B-Pod and at least get it passably ready to get some
25 inmates into that unit.

1 I don't know exactly what the status of that was. Our
2 understanding was it was fairly imminent, and so perhaps the
3 jail administrator or the folks from Benchmark and CDFL can
4 provide a little more detail of where exactly they are in
5 terms of B-Pod.

6 THE COURT: Mr. Parrish, with respect to booking, you
7 indicated that there -- and that was an issue that has been
8 cited in previous reports, and even today you say that there
9 are about seven people who are being housed in the booking
10 area, I think. Who are those people? I mean -- and why are
11 they still being housed in booking? Because I think that is
12 something that you said that the monitors have concluded
13 should not happen on an ongoing basis. I think in the past
14 there were one or two people who might have been suffering
15 from some mental defect, I think, or maybe that person might
16 have been on suicide watch, as I recall, and that was one of
17 the excuses we heard that somebody was in booking.

18 Why do we have people housed in the booking area, if
19 you know, Mr. Parrish?

20 MR. PARRISH: Your Honor, booking holding cells are
21 designed to hold people for no more than eight hours. They
22 don't have a window; there's no recreation yard; they don't
23 have ready access to a telephone or visitation or anything.
24 That's not where somebody should be housed.

25 When we started the monitoring process, we found one

1 inmate who had been in a booking holding cell for three and a
2 half years. That was one of our primary concerns was to try
3 and get that process ended, and over time it has stopped
4 briefly but then starts again, primarily because -- and the
5 reason it started was because locks didn't work in the housing
6 areas, in the pods, and so as Charlie was brought back online
7 and the locks were replaced and security was improved, we had
8 hope that using booking cells would stop for housing purposes.

9 Unfortunately, they've had problems with inmates
10 breaking windows out and without having enough individual
11 cells where they could isolate people, and so they've still
12 had to depend upon booking as an improper use of the booking
13 area.

14 The most recent reason people are in there is for
15 isolation for COVID, and that's the extra layer of
16 classification that I referred to which creates a huge problem
17 for the jail system, and now they have to be able to separate
18 people for an additional reason, not just because they're
19 codefendants or because they've got management issues or
20 something like that. Now you also have because of COVID.

21 So they're looking at every little nook and cranny they
22 can throughout the jail system where they can isolate people
23 with regard to COVID.

24 MS. SIMPSON: Your Honor, this is Lisa Simpson.

25 I think it might be helpful to hear from Major Bryan on

1 why people are being housed in booking. I -- as Mr. Parrish
2 mentioned, I think it has changed over time, and in some cases
3 it's a very individual situation. The monitoring team, of
4 course, doesn't think booking should be used for housing in
5 virtually any situation, but I think it would be helpful to
6 hear from Major Bryan on that.

7 THE COURT: Major Bryan, do you wish to offer anything
8 in that regard?

9 MS. BRYAN: Yes, sir, I would. I'd like to begin by
10 saying that it goes against every jail philosophy I have to
11 ever house inmates in booking, and ultimately that is our
12 goal: to have a policy that we adhere to to never house
13 inmates in booking.

14 For the last going on five weeks, we have conducted
15 weekly interdisciplinary team meetings where we gather medical
16 staff, mental health staff, classification staff, and the
17 discharge planner and myself, and we have weekly meetings to
18 discuss, inmate by inmate, all the inmates on the mental
19 health caseload, the seriously mentally ill, the suicide
20 watches, and all inmates housed for whatever reason in the
21 booking cells.

22 We evaluate every one of those inmates by the week to
23 see if it's possible to make some adjustments. And right now,
24 sir, the best of the worst options I have are to have those
25 seven inmates in booking as of this time.

1 As we walk our way through better inmate behavior
2 management processes, as we walk our way through better staff
3 training on direct supervision, the inmates that are housed in
4 booking, because they are severe behavioral issues, the best
5 of the worst is to violate the stipulated order and house them
6 in there right now rather than move them on to the floor. So
7 those are decisions that we make week by week.

8 We also evaluate those inmates to ensure that they have
9 as many of their programming needs met while they're in
10 booking as possible.

11 But right now that is the situation. We are not
12 housing any inmates in there for COVID.

13 And speaking of COVID, we have been three days
14 facility-wide in RDC and the work center with no positive
15 COVID inmates, and we have a second wave of vaccinations
16 coming from the State next Friday. We've had some holdup
17 problems getting vaccinations on-site from the State. Once we
18 have a certain number of COVID-positive inmates, the State
19 declares us in outbreak status and they won't come with more
20 vaccines. But we have an informed consent form that we
21 regularly circulate with inmates over and over and over again
22 in the hopes that they will agree to be vaccinated. And our
23 vaccination rates have gone up tremendously, which I think may
24 indicate why we are in reasonably good stead with COVID right
25 now.

1 THE COURT: Thank you. That's helpful. And on the
2 COVID issue, you indicated the vaccination rate is going up,
3 no positive COVID findings. Does -- is there -- is there a
4 mask mandate there at the detention center for the employees
5 and staff? Well, employees, staff, and prisoners? I mean,
6 are detainees or people required to wear masks?

7 MS. BRYAN: Yes, sir. That --

8 THE COURT: I'm sorry. I ask that question because I
9 am aware that another local -- well, I am aware that the
10 Madison County detention facility does not require a mask of
11 its employees. Do you-all at least require mask wearing?

12 MS. BRYAN: Yes, sir. That was the sheriff's policy,
13 that masks are required.

14 THE COURT: Do we know what percentage, if any -- does
15 the detention facility keep track or -- of what percentage of
16 its employees are vaccinated, fully vaccinated?

17 MS. BRYAN: Yes, sir. We gathered that information
18 most recently -- I think it was last month and sent that to
19 the monitoring team. We are currently -- our current process
20 is to keep track daily of all inmates in population and all
21 staff of their COVID status, whether they've tested positive,
22 whether they are symptomatic, where the inmates are housed, to
23 have that available for any interested parties, especially the
24 courts as inmates start to come back and forth through the
25 court system. We want to make that information very available

1 to the justices to know the COVID status of the inmates coming
2 before them. So we're tracking that daily for every single
3 inmate in the facility, sir, and again, we are approaching
4 inmates regularly weekly to see if they'll take a vaccination.

5 THE COURT: Okay. Now, that was the inmates. I am
6 also concerned about the employees. I assume there is not a
7 requirement that each employee must take a vaccination, but
8 does the -- does the sheriff's department know which of its
9 employees are vaccinated or unvaccinated?

10 MS. BRYAN: So we're keeping track of the employees
11 that are vaccinated, but I'll defer the mandate to sheriff's
12 counsel.

13 MS. BARKER: Your Honor, this is Claire Barker.

14 Yes, the sheriff's office does have a mandate that was
15 put in place by late Sheriff Vance that all employees get
16 fully vaccinated, and if they do not get fully vaccinated,
17 then they have the option of testing once a week and providing
18 that information to our human resources officer.

19 THE COURT: Okay. So does the sheriff, then, know the
20 percentage of its employees who are indeed vaccinated?

21 MS. BARKER: I do not have that information right now,
22 Your Honor. I would have to check with our human resources
23 officer to obtain that.

24 THE COURT: Okay.

25 MR. GAYLOR: Your Honor --

1 THE COURT: And also would you know how many people are
2 being subjected to tests on a weekly basis? I mean, because
3 that would suggest that they're not vaccinated, presumably.

4 MS. BARKER: Right. And I don't have that information
5 before me, Your Honor. I can obtain that and get that to the
6 Court if you'd like.

7 THE COURT: Okay. I think Mr. Gaylor wanted -- I
8 think --

9 MR. GAYLOR: Your Honor --

10 THE COURT: Hold on. I think Mr. Gaylor wanted to
11 speak.

12 MR. GAYLOR: Yes, Your Honor. I apologize for
13 interrupting, but if I may add, Hinds County implemented --
14 adopted a policy just about two meetings ago in which all of
15 the County employees are to be vaccinated and/or weekly
16 tested, and so it's something that's being implemented
17 county-wide, but it's obviously taking some time for all of
18 our employees to get acclimated to that mandate, and it's
19 something that all of our supervisors and administrators are
20 having some difficulty in getting their hands wrapped around
21 the process, so to speak. But it is a mandate of the entire
22 county to get vaccinated or weekly tested. So we're working
23 through that, Your Honor.

24 THE COURT: Okay. Thank you, Mr. Gaylor.

25 I think that's all the questions that I have of

1 Mr. Parrish's report.

2 Let me ask my court reporter how she's doing, if she
3 needs a break right now and -- which she may and -- and let me
4 see.

5 We're going to take a 15-minute break. Just keep
6 yourself on the camera, keep yourself on mute, and we'll take
7 a 15-minute break. We'll come back at 11:45 and then proceed.
8 I think Ms. Simpson wanted to go to Mr. Dudley, I believe, or
9 I'll just say Ms. Simpson can go however she pleases after
10 that point.

11 All right. Thank you. We are in recess.

12 (A brief recess was taken.)

13 THE COURT: All right. Are we ready to resume?

14 MR. GAYLOR: Yes, Your Honor.

15 THE COURT: Okay. Ms. Simpson?

16 MS. SIMPSON: I think that we'll proceed with
17 Dr. Dudley.

18 THE COURT: Okay. Thank you.

19 MR. DUDLEY: Good afternoon, Your Honor.

20 THE COURT: Good afternoon.

21 MR. DUDLEY: I was going to highlight just three
22 things, two of which you've already had some discussion about,
23 so I should be relatively brief.

24 The first one is just adding a few comments on COVID.
25 As you know, the monitoring team has urged the County to

1 adhere to the CDC guidelines that were specifically designed
2 for jails and prisons, and they have now moved so much more in
3 that direction.

4 We've also encouraged -- recognizing that you can't
5 force detainees, but we've recommended a more rigorous
6 approach of repeatedly approaching detainees, educational
7 efforts, and there's even been some at least preliminary
8 discussion about incentives, and so all of that has been
9 helpful.

10 You've heard already about what's been done with regard
11 to employees. And so there's been, I think, a lot of positive
12 efforts to contain COVID within the facility.

13 Vaccination rates among detainees is increasing, and
14 the percentage of detainees who have been tested has increased
15 as well, and so those are all good indicators.

16 You've also heard that there are challenges making sure
17 that the Department of Health continues to be on board doing
18 their part, but the big challenge being housing. Even if
19 there were no other classification issues, figuring out how to
20 keep separate the various populations and subpopulations,
21 people who have been vaccinated, not vaccinated, tested, not
22 tested, tested positive, around somebody who tested positive,
23 new admissions, it's just dizzying to think of how you house
24 these various different populations given what you also know:
25 all the construction that's going on, the renovations, the

1 shortage of staff. And so doing that in as thoughtful a way
2 as possible, of course, is a challenge. But as I indicated,
3 you know, we've certainly seen progress and efforts to manage
4 and contain COVID.

5 The second issue that I was going to raise is this
6 issue of the review of deaths in the facility. As Major Bryan
7 raised already, that there are these kind of tandem
8 investigations that are going on, whether they be medical or
9 IAD or whatever. And I wanted to reemphasize that even if all
10 of those tandem investigations are done well, it's not really
11 enough.

12 Ultimately there has to be, as Major Bryan already
13 mentioned, an interdisciplinary review where all of these
14 people get together in the same room to really take a deep
15 dive into what happened, who knew what, who should have known
16 what, how it was communicated between medical and security,
17 and who did what they were supposed to do based on what they
18 knew, who might have done something different if they would
19 have had more information.

20 I mean, these are questions that go across the various
21 areas here involved, and it's only through an
22 interdisciplinary exchange and deep dive into what happened
23 that you can come up with some thoughts about corrective
24 actions that could be taken to avoid similar incidences in the
25 future, whether there's training issues or tweaking policies

1 or reemphasizing the need to follow existing policies or
2 whatever. And so it's this full interdisciplinary review of
3 these deaths is what we're really looking for in addition to
4 the timely individual investigations that have already been
5 described.

6 The third issue that I wanted to raise is just kind of
7 an update on the mental health unit. It's moving quickly.
8 The planning process is moving quickly. The renovations are
9 moving at this point as well. The -- yet there are still
10 things that need to be done before the unit can become
11 operational: the final selection and training of security
12 staff for that unit; the finalization of a treatment menu that
13 would be used when developing individual treatment plans; and,
14 most importantly, also the need for -- the continued need for
15 some additional mental health staff to help staff that unit.

16 We're looking carefully at how this unit will become
17 operationalized as it relates to assuring that it's
18 operationalized in such a way that it's responsive to the
19 provisions of this agreement and also responsive to the fact
20 that many of the provisions of this unit -- provisions of this
21 agreement impact on each other.

22 So, for example, something as important as, you know,
23 what is going to be the admission criteria for this unit, we
24 envision that people who are noncompliant, resistant to
25 treatment would not be excluded from this unit, although maybe

1 in the outside world you would be looking for people who are
2 motivated for treatment. That's not really the case here
3 because this unit is alternative housing for those seriously
4 mentally ill, so that means that the programming for the unit
5 has to be designed for that population as well.

6 For example, another example would be admitting people
7 to the unit with disciplinary charges. Until we have a fully
8 operational policy and program whereby individuals brought up
9 on disciplinary charges are adequately evaluated to determine
10 whether their behavior is a result of their mental illness,
11 it's difficult to exclude individuals who are seriously
12 mentally ill who may have disciplinary charges from placement
13 on the unit.

14 So the finalization of these plans for the unit must
15 take into consideration the provisions of the agreement and
16 how the various different provisions of the agreement impact
17 on each other.

18 Finally with regard to the opening of the mental health
19 unit, as we kind of review incidences and medical records and
20 so forth, we're reminded of the fact that this mental health
21 unit will not serve the small female population despite the
22 fact that there are some seriously mentally ill women housed
23 at the facility, women going through substance withdrawal,
24 *et cetera*. And so that although it's important that we open
25 the mental health unit, we also must simultaneously assure

1 that there's adequate programming for the female population
2 within the facility.

3 THE COURT: Thank you, Mr. Dudley. Let me ask you this
4 question about the mental health side of the thing: Do we
5 know what number of detainees are awaiting to be seen or
6 evaluated by someone to determine whether or not they're
7 competent? This has come up in another case of the Court with
8 respect to how inmates or detainees are being held across the
9 state in the local jail and facilities awaiting for beds or
10 other treatment facilities for assessment.

11 Do we know how many detainees currently are under some
12 order by the circuit judge to get a competency exam and are
13 awaiting to proceed with that particular order?

14 MR. DUDLEY: We finally did get that information.
15 Unfortunately, it's not sitting in front of me right now. But
16 we did get information on how many people were awaiting
17 competency exams, how many people were awaiting beds for
18 restoration of competency. I just don't have the number in
19 front of me.

20 I think as I mentioned at the last status conference,
21 there was an effort to do some of those evaluations through
22 videoconferencing, identifying some people who actually didn't
23 need inpatient beds to have those evaluations done, and that
24 was having some positive impact on decreasing the number, but
25 there's still people who actually need to be in the state

1 hospital facility for their evaluations.

2 THE COURT: Okay. But that type of information is
3 something that you request and/or that you receive when you
4 are doing your particular assessment?

5 MR. DUDLEY: Yes.

6 THE COURT: Okay. All right. Ms. Simpson, I'll turn
7 to you.

8 MS. SIMPSON: Thank you, Your Honor.

9 I will finish up the adult detention side with a few of
10 the more administrative-type issues, and I won't take long.

11 As I said in the beginning, the most intractable issues
12 have been staffing and maintenance of the facilities, and so I
13 think that's an important area. Those are important areas to
14 focus in.

15 One thing I would report is that the develop of
16 policies and procedures has slowed down during this time of
17 transition, and I think it's in large part because of the
18 transition. Major Bryan is very experienced in the
19 development of policies and procedures, and so I think the
20 process is changing to where she's much more involved in that
21 process, and I think the changing of the process has -- at
22 least during the transition, has slowed that process down a
23 little bit. So -- and I think there's an effort to get that
24 back up and running, and once it is, with Major Bryan's
25 participation, I think we'll see a faster pace in pushing out

1 these policies.

2 One thing we haven't talked about, and Dave Parrish may
3 want to talk about this a little bit more, is we've noted in
4 the past that even when policies are adopted, that they don't
5 always appear to be implemented and the supervision doesn't
6 seem to sort of reinforce the following of the policies, and I
7 think that's been a training issue. There has not been a lot
8 of inservice training, and part of that is due to COVID.
9 Again, I think Major Bryan is looking at getting that up and
10 running again and is also looking at the content of the
11 training and whether it is sufficient to convey the material.

12 So those are areas where we hope to see improvement.
13 The development of policies and the training on those
14 policies, that hasn't happened yet, and we're hoping to see it
15 in the next several months.

16 On the positive note, the quality assurance reports
17 have been excellent. There continues to be a problem with the
18 accuracy of the information in the quality assurance reports,
19 in large part because it's difficult to get accurate
20 information out of the JMS system, in part because of
21 limitations of the system and in part because of how
22 information is entered into the system. So -- but the
23 analysis in the quality assurance reports has been very good,
24 and we certainly hope to see improvement in the accuracy of
25 the information, again, as training improves.

1 The incident reports, I would say in this recent
2 timeframe, actually appear to have perhaps gotten a little
3 worse as opposed to better, and I know there's recognition on
4 the part of the sheriff's office and the major that that's an
5 area in need of improvement. It looks like even more in the
6 past, information is missing and potentially incident reports
7 aren't being completed on incidents where they should be. So
8 that's an area hopefully that will get some focus as well.

9 One thing that came up in the 14th monitoring report
10 was the issue of fines and fees. The settlement agreement
11 requires that nobody be held for fines and fees unless they
12 have had a hearing on whether or not there's an inability to
13 pay, and we've been finding the County in compliance with
14 that. There have been mittimuses that had fines and fees, but
15 they were really not holding anybody specifically on those.

16 Unfortunately, in the last monitoring period that --
17 the trouble with that approach came home to roost in that
18 somebody who was being held on a new felony obtained an
19 unsecured bond, and so at that point the only thing holding
20 him in was a mittimus on fines and fees, and it took some time
21 to get that lifted so that he could go into a program that he
22 had been ordered to go in.

23 So it emphasizes the importance of actually dealing
24 with those mittimuses that are not compliant and taking care
25 of them even if the person is being held on another charge.

1 That other charge could go away and then they're just in on
2 fines and fees.

3 Grievances. There was a change in the leadership on
4 the grievance area, and one of the things we observed and is
5 mentioned in the monitoring report is that quite a few
6 grievances were being denied as not a grievance when in fact
7 they were a grievance, and some of those in important areas,
8 such as people saying they were no longer -- they no longer
9 should be detained, that their court -- for whatever reason
10 their court work had completed and they were entitled to
11 release.

12 In the past that is often a way where we did find
13 people that were entitled to release, so it's important to
14 treat those as grievances and review them.

15 Records continues to improve. That's an area that has
16 improved quite a bit since the beginning of monitoring, and it
17 appears that even more review is being done and more
18 documentation, so that's a great light area.

19 There are a number of requirements in the settlement
20 agreement and stipulated order regarding system issues on the
21 CJCC. I'm looking forward to getting an update on that. For
22 the past year, at least, it's been fairly nonfunctional, and
23 then more recently there was no chair, and I understand that
24 the County administrator is stepping in at least temporarily
25 as the chair and that a circuit court judge has agreed to be

1 the chair once it's back up and running. So I don't have any
2 other update on that other than what I've just said, but we're
3 looking forward to getting an update at the time of the remote
4 site visit.

5 And similarly, the pretrial services director position,
6 our last information was that it was posted, but it's been
7 several months now without it being filled, so we're looking
8 forward to an update on that.

9 Just a few things, and this actually touches on some of
10 the areas of Dr. Dudley and Dave Parrish. One of the things
11 I'm seeing in the incident reports is that the suicide
12 observation, at least in the reports, is stated to be
13 15-minute intervals as opposed to constant observation. That
14 is not consistent with the policy that's been adopted and not
15 consistent with what should be done according to national
16 practices. So we'll be looking to get an update on whether
17 that is in fact what's happening, but it is of some concern if
18 they're not doing constant supervision.

19 And with respect to facilities, one of the things we've
20 learned recently -- and we've talked with Major Bryan about
21 this so it's not a surprise. In renovating B-Pod and starting
22 to occupy it, the command staff learned that the fire exit
23 doors in the housing units had been welded shut. That
24 obviously is a fire safety hazard. Apparently, replacing the
25 doors is -- can't be done quickly and is expensive we're told,

1 and so the interim plan is to put a padlock on the fire safety
2 doors, fire exit doors.

3 As an interim measure, that may be something that we
4 can live with if the housing units are constantly supervised.
5 Obviously to have the fire exit doors padlocked and no staff
6 in the unit would be a life safety risk.

7 So those are two things I wanted to bring to your
8 attention with respect to adult detention, and I think that's
9 it in my area. Obviously there's more detail in the report
10 and will be more detail in the next report as well.

11 THE COURT: All right. Thank you, Ms. Simpson and
12 Mr. Dudley.

13 Who do you wish to defer to next, Ms. Simpson?

14 MS. SIMPSON: I'm sorry, Your Honor. Could you repeat
15 that?

16 THE COURT: Who do you wish to speak next on your team?

17 MS. SIMPSON: Thank you. We would move to the juvenile
18 facility if you want to do that and with Jim Moeser.

19 THE COURT: Okay.

20 MS. SIMPSON: Okay. Jim?

21 MR. MOESER: All right. Thank you, Lisa.

22 Thank you, Your Honor. I can provide a relatively
23 brief update with some -- I think some positive and some
24 challenges remaining.

25 I think at the time of the last report, there were

1 around 25 youth charged as adults at Henley-Young. I got the
2 roster for today, and that number is 18. Most -- I think most
3 of the youth that have been released in the interim probably
4 were released because they turned 18 and went to probably the
5 adult facility, so that still remains an issue of moving cases
6 through the court system, but that is a much more manageable
7 number and will alleviate some of the immediate concern about
8 the population getting too large at Henley-Young overall.

9 However, of those 18, five of those youth have been
10 there a year or more, and there are two youth who have now
11 been there two years.

12 And not surprisingly, in review of incident reports
13 that were provided, many of the incident reports involve youth
14 (AUDIO GAP) on that long-term end. A year, two years in
15 placement is simply too long for those youths to be going
16 nowhere, and so that still remains a concern in terms of
17 making sure cases are moving through the system.

18 There are an additional -- I think I counted six youth
19 who -- five or six youth who will turn 18 before the end of
20 2021, but I also am aware of sort of an increase in serious
21 crimes in Hinds County area, so hopefully that number can go
22 down, but, again, I want to raise the issue of case processing
23 and some of the challenges that the Court has had in moving
24 some of those cases through the system.

25 A key concern at the time of the last report and

1 continues to be is the staffing level. The last report --
2 organization chart I had -- could find today -- I may have had
3 a more recent one with about 20 youth care professionals who
4 provide that direct supervision vacancies. That's about
5 40 percent of the total. That's a significant number. It may
6 be down a little bit from prior reports, but in the interim,
7 there was a decision to reduce I think seven positions on the
8 budget to be able to transfer some of those funds to increase
9 the staff (sic) of the youth care professionals that were on
10 staff.

11 That has certainly been something that we've seen
12 consistently over the time of -- the low pay makes it very
13 difficult to retain staff, and I think Director Frazier made a
14 difficult decision, I'm sure, to help those staff who are on
15 board to get a little more money, but that's not a good
16 long-term solution, and the board certainly has to address
17 that longer term to provide a wage that attracts and helps
18 retain qualified staff.

19 There is a person on board now who is beginning to fill
20 that treatment coordinator role, Ms. Warfield, who does not
21 have necessarily the academic qualification or licensure that
22 was desired totally in the agreement but is a licensed mental
23 health person and has some additional community experience and
24 supervision experience that hopefully will bring some
25 leadership to the mental health team and help integrate mental

1 health services and the overall behavior management program.

2 We had a conversation -- both Anne Nelsen, who is the
3 monitor from the SPLC side, and I and Director Frazier had a
4 good conversation with Ms. Warfield earlier this week, and
5 we'll talk to her again next week, about sort of our hopes and
6 vision for that position, and she seems very eager to learn
7 from any information we can provide as well as sort of hit the
8 ground running in trying to identify some areas where she can
9 bring some additional coordination to mental health services
10 in the facility, and so that's a positive step forward.

11 We also will continue to talk about the need for a --
12 at least a consulting psychologist or contracted psychologist
13 in some way to provide and purchase additional consultation
14 assessment services as needed. But I think it's early in her
15 tenure to necessarily define where that should go right yet,
16 but it will continue to be something we look at to try and
17 make sure there's a good range of mental health services
18 available for youth.

19 The education program has started again. Obviously for
20 the fall term, I believe (AUDIO GAP) there's been a
21 conversation with Director Frazier. They did attempt to get
22 all the youth involved in face-to-face classroom every day,
23 have experienced some problems, again, in which they had to
24 revert. I don't know if it's temporarily or if it's still
25 going on. We'll find out at our next call in a couple of

1 weeks. Half -- some of the youth being -- receiving their
2 education on the units through work packets and other means
3 but not face-to-face direct instruction every day.

4 That's still the goal. Mr. Caldwell, who is the
5 principal, and I had very positive conversations with in the
6 spring and was very optimistic and positive about bringing on
7 a couple different teachers for the fall, so I'll be anxious
8 to see and hear from him how that's going and how they can
9 eventually hopefully move to a more complete education program
10 going forward.

11 There have been a number of incidents, at least that
12 were reported, that we got through Mr. Green, immediate
13 notification reports, a fairly sizable number in July but half
14 as many in August and probably still catching up with some for
15 September, but, again, a series of incidents around sort of
16 fights among youth. But I would say, again, the names that
17 most often appear in those are the kids that have been there a
18 long time and they're going nowhere and they're struggling
19 with still remaining there and nothing happening on the court
20 process as well.

21 There have been some COVID concerns. Several staff
22 have been positive and remained off duty and/or quarantined in
23 some fashion. I tried to find -- Director Frazier quickly
24 sent me an e-mail a couple weeks ago, which I couldn't find
25 for this call, but a couple youth also tested positive and

1 were being quarantined, I believe, and as a result of that,
2 taken much more proactive steps towards engage the health
3 department, have continued to offer and work towards trying to
4 get youth in the facility vaccinated to try and reduce any
5 potential spread among youth as well.

6 Director Frazier could respond to the specifics on the
7 current status but I think was fairly proactive in engaging
8 the health folks to say we need to consider this sort of a
9 hotspot given the confinement nature of the facility and the
10 age of the youth and numbers that had turned up positive in
11 some way.

12 The other programming, Ms. Baldwin had been off -- was
13 one of the people that was off duty with COVID concerns for a
14 while. I think she's been back on now for a little while and
15 is beginning -- again, trying to implement some additional
16 programming, has been working with Ms. Nelsen to update a
17 behavior incentive point system in some fashion, and hopefully
18 be able to learn more about that at our October call, as well
19 to try and incentivize youth behavior, which I think still
20 continues to be a -- certainly still a work in progress of
21 trying to develop that system and fully engage the youth care
22 professionals in understanding the need for it and how to use
23 that kind of tool so it's not just a form to fill out or a
24 meaningless document but it really helps support some of their
25 behavioral aspects of the facility.

1 I think Ms. Baldwin, Ms. Warfield, Director Frazier are
2 working toward that end, and we'll look forward to seeing what
3 progress they can make now that they're all back on board and
4 healthy at this point.

5 I continue to be concerned about -- again, I continue
6 to be concerned about the number of staff. Director Frazier
7 made some outreach efforts, some recruitment efforts to find
8 staff, and hopefully that will change, but it's certainly a
9 struggle to provide the level of supervision coverage if you
10 have 40 percent of the positions vacant.

11 And so that's where things are at now, and look forward
12 to the opportunity in a couple weeks to talk more about where
13 things are at. Thank you.

14 THE COURT: Thank you, Mr. Moeser.

15 Before we move on, I want to go back to a point just to
16 make sure that I heard everything correctly. I think
17 Mr. Gaylor said that the -- and please correct me if I'm
18 wrong, that the County in a Board of Supervisors meeting a
19 couple of meetings ago, the County adopted a policy that all
20 of its employees would be vaccinated? Is that what you said,
21 Mr. Gaylor?

22 MR. GAYLOR: That's correct, Your Honor. Vaccinated
23 and/or tested on a weekly basis.

24 THE COURT: And/or tested on a weekly basis. Okay. So
25 one can either be vaccinated or subjected to a test on a

1 weekly basis?

2 MR. GAYLOR: Yes, Your Honor.

3 THE COURT: All right. And it sounded like from
4 Ms. Barker's explanation of what's happening in the detention
5 center and in the sheriff's department that they have
6 implemented a similar policy, or I guess they implemented
7 their policy first and now they're adhering to the policy of
8 the County. Because, Ms. Barker, you did say that everyone in
9 the sheriff's department is either fully vaccinated or being
10 tested on a weekly basis.

11 MS. BARKER: That's correct, Your Honor. Well, that's
12 the policy. Like Attorney Gaylor said, we are still -- you
13 know the supervisors are trying to get a handle on how exactly
14 to keep up with that, but that is our policy, and I do know
15 that Major Bryan informed me that approximately 40 percent of
16 the inmates are vaccinated right now and 70 percent of our
17 detention officers are vaccinated.

18 THE COURT: Okay. But those -- that means 30 percent
19 are being tested on a weekly basis, then?

20 MS. BARKER: That is the policy.

21 THE COURT: Well, I hear what you're saying, but one of
22 the consistent things I've heard from Mr. Parrish and
23 Ms. Simpson is that we have these policies that are not being
24 enforced or either complied with, and we're going to talk
25 about that in some other areas. So it makes no sense to have

1 a policy if it's not going to be enforced. It makes no sense.

2 If you have detention officers who are around these
3 inmates -- there is no policy, for example, to force the
4 inmates to take a vaccination, but those detention officers
5 may have to bring or take those inmates to the courtrooms of
6 the local judges, and you mean to tell me that inmates and
7 detention officers, who may not have yet been tested because
8 nobody's adhering to the policy, goes into the courthouse and
9 put persons in the courthouse at risk because they're
10 unvaccinated, they're not being tested?

11 MS. BARKER: No. Your Honor, if inmates go to court,
12 they are being tested.

13 THE COURT: But not the employee.

14 MS. BARKER: The employees -- I do not have enough
15 information as to whether or not all of the employees are
16 being tested. I know that Major Bryan is over her employees
17 in that area, and like I said, the policy is that they submit
18 to a test and submit it to human resources weekly. Do I
19 represent to the Court that this may or may not be done
20 100 percent? We don't know because it's a new policy, and
21 like Attorney Gaylor said, we're still trying to implement
22 that.

23 And on that note, Sheriff Crisler would like to address
24 the Court.

25 THE COURT: Okay. Good afternoon.

1 MR. CRISLER: Good afternoon. I had some audio issues
2 with my laptop, so I joined the attorney here. And I'll
3 probably get an opportunity to make some more remarks later,
4 but specific to the topic we're talking about right now, I can
5 assure you as the sheriff that we are going to ensure Your
6 Honor that we do be vigilant and making sure each one of our
7 employees abide by the policies. And as Attorney Barker said,
8 we have just recently adopted this policy, so we're putting
9 policies and procedures in place to ensure we can monitor this
10 and get 100 percent compliance, but this is a policy that we
11 take serious, and I just want to ensure the Court that we will
12 not only abide by the policy we created but the expectations
13 of the Court. So I just wanted to make sure I went on record
14 to say that.

15 THE COURT: Okay. Well, the way my crazy mind thinks
16 and the way that I've been thinking about these things,
17 because, of course, we have inmates too who are currently
18 being housed for the most part in a place that is under no
19 rules and regulations with respect to vaccinations or even
20 mask wearing.

21 Correctional Officer A, who is not vaccinated, Hinds
22 County correctional officer is not vaccinated, he or she is
23 tested on a Monday. That person tests negative. That person
24 is in the community every day where we know the delta variant
25 is highly transmissible. Monday, Tuesday, Wednesday,

1 Thursday.

2 Correctional Officer A is required to take Inmate B to
3 the Hinds County Circuit Court for a status conference on his
4 or her hearing. Maybe not an initial appearance. A motion
5 hearing, something, is required -- or maybe to go enter his
6 guilty plea. Correctional Officer A transports Inmate B into
7 that courtroom. That person has not been tested that day.
8 That person has not been tested Tuesday, Wednesday, or
9 Thursday.

10 That person could very well be positive at that point
11 with that inmate, who might not have been vaccinated because
12 you couldn't force him to, but that inmate might be tested
13 that Thursday morning before going to court on a rapid test,
14 or maybe he was tested the day before. I don't know how y'all
15 do that with a specific inmate, if there's -- I assume you
16 don't do a swab. I assume you do a temperature check and that
17 kind of stuff if the inmate has to go on that Thursday
18 morning.

19 But nothing assures the circuit judge or the circuit
20 court family over there that Correctional Officer A is free of
21 the virus. That can be a potential problem, I think, with --
22 and for the sheriff or Hinds County to continue to say we have
23 a policy or if everyone -- we're trying to get a grip or
24 trying to encourage our supervisors to implement our policy, I
25 guess I've been sitting in this chair too long, because I feel

1 like when I sort of dictate something, it's done. And I don't
2 mean dictate in the sense of being a dictator, but a policy --
3 I mean, we have to make sure that people are held accountable
4 for making sure that the policies and directives of the County
5 are adhered to.

6 If they're not, I suppose -- and we're going to hear
7 from DOJ, because they got time to talk today -- some steps
8 are going to have to be taken. If Hinds County wants to be
9 entrusted with handling its correctional facilities, Hinds
10 County is going to have to be responsible.

11 JUDGE GREEN: Judge Reeves.

12 THE COURT: Yes.

13 JUDGE GREEN: This is Judge Green.

14 THE COURT: Yes, ma'am.

15 JUDGE GREEN: May I have a word? Let me be sure. Is
16 it the representation that the detainees as well are being
17 tested when they're brought to court, all of them? I just
18 want to be sure that I heard that correctly.

19 MR. GAYLOR: No.

20 JUDGE GREEN: Because I'm not sure that that's the
21 case.

22 MR. GAYLOR: No.

23 JUDGE GREEN: And I'm trying to find out if that is the
24 policy.

25 MR. CRISLER: Judge Green, --

1 MR. GAYLOR: No.

2 MR. CRISLER: -- this is Sheriff Crisler. That is the
3 policy.

4 JUDGE GREEN: Okay.

5 MR. CRISLER: And that is a policy that we will be
6 enforcing.

7 JUDGE GREEN: I can't hear you. I'm sorry.

8 MR. CRISLER: I was saying, Judge Green, that is the
9 policy, and that is a policy that we will be enforcing.

10 And if I might with respect to Your Honor, Judge
11 Reeves, I do hear what you're saying, sir. It is something
12 that we are taking very serious, and we are being vigilant on.
13 We have a lot of -- as you know, a lot of moving parts, and
14 when you -- I hate to put it this way. When you have systems
15 that has a culture like we have adopted here, it takes a
16 little time to make sure that we are holding those employees
17 accountable when we put these policies in place, keeping in
18 mind that this has not been the standard in the previous
19 administration. That's why we sit here before you right now.

20 So we're working tirelessly to ensure that we send a
21 strong message to the employees and everyone in the system
22 that we are taking this matter very seriously and people will
23 be held accountable if they are not adhering to the policy. I
24 want to be very clear about that. Thank you.

25 MR. GAYLOR: And, Your Honor, if I may add, from the

1 County's perspective, again, the policy is that all of our
2 employees are vaccinated and/or tested weekly. That's the
3 representation that we are making. We're stating
4 affirmatively that that is where we are -- as a policy that's
5 where we're going.

6 We don't want to make any misrepresentations to the
7 Court that everybody has already adhered to the policy as it
8 is a new policy and it's something that our employees have to
9 get used to, the supervisors have to get used to, the judges,
10 administrators, everyone in the system has to get used to, a
11 new policy that was adopted only within a month. So being
12 that this is a huge culture change, it's going to take a
13 minute for everyone to understand that this is in fact where
14 we're going.

15 And so I want to be clear that we are talking about
16 employees, Judge Green, as well. We aren't making the
17 representation that all detainees are vaccinated. I believe
18 the representation was made that 40 percent thus far have been
19 vaccinated, and we're certainly hoping through our educational
20 policies and educational processes and our directives that
21 that number will increase significantly.

22 DR. DUDLEY: Your Honor?

23 JUDGE GREEN: Like I said --

24 THE COURT: Hold on. Mr. Dudley?

25 JUDGE GREEN: Let me clarify --

1 THE COURT: Hold on.

2 JUDGE GREEN: Let me clarify what my concern was. This
3 is not the first time that we've dealt with COVID. It's the
4 first time we've been dealing with the delta virus, but ever
5 since the delta virus has been in the jail, it has been the
6 concern of the judges that the detainees that were brought to
7 the courtroom, if they were brought, would certainly be
8 tested, that they would not be brought into the courtroom,
9 period, unless they had been tested for the virus.

10 And I'm not talking about taking the temperature. The
11 temperature can be misleading and you'll end up with someone
12 in the courtroom. For our July term, that has been a problem,
13 and basically some of the courts have shut down, and that
14 prohibits cases moving through the courts, not just so much
15 for the detainees and not so much for the workers being
16 tested, but once they hit the courthouse, our courthouse is
17 not just a courtroom. It is a county building where people
18 who may be positive are then moving throughout the building.

19 Our courtrooms certainly are trying to abide by the
20 guidelines in terms of the people being apart, but the
21 qualification of 3 or 400 people on a Monday morning can
22 expose -- one person can expose that number of people to the
23 virus. So it is going to be critical that everybody's tested
24 and that when we're talking about long-term hearings, that
25 there be some vaccinations. And if you're not vaccinating,

1 then you're going to shut down the system where people cannot
2 come in and we've got to deal with a policy of whether indeed
3 the inmates are educated and that attorneys are involved in
4 whether they do get vaccinations if they're going to be in the
5 jail and there's going to be transport.

6 Essentially, last term we couldn't hardly move anybody
7 because everybody either was in quarantine or they had the
8 virus, and that wasn't just the detainees but that's staff as
9 well. It was -- it was a mess. That's all I can tell you.
10 And it went from about two people to seven to four people in a
11 matter of a week or so, and that's dangerous. And in the
12 process, we lost the sheriff, but we also lost detainees.

13 So that's going to be crucial in order for the court to
14 move forward. The chief justice has limited us in terms of
15 trials or allowed us not to do it. A couple of judges
16 continue to try and have trials. That's not my prerogative.
17 We do not bring in jurors in Hinds County and place them at
18 risk. It is serious. It is deadly to have a virus and think
19 that we can give people in certain positions choices.

20 We've never had this before, but it is deadly, and
21 extraordinary means and policies must be followed or people
22 can die, and nobody should be put at risk of dying simply
23 because people don't follow policies. So that is a concern,
24 and I think that we're going to have to address it and address
25 it aggressively, because if they're not going to be testing

1 and it's a -- I need to know when it starts. We're in a new
2 term, September to October, and I still don't know as the
3 senior judge whether there is testing or whether when someone
4 comes into the courthouse, whether they are deputies, whether
5 they are detention officers, whether they are detainees, I
6 can't tell and no other judge sitting in the circuit court can
7 tell whether we're at risk or whether we as judges are putting
8 others at risk. But right now it's dangerous, and it's
9 dangerous for us all.

10 THE COURT: Thank you, Judge Green.

11 Mr. Dudley, did you have anything you were saying, sir?

12 MR. DUDLEY: I was just saying that your scenario
13 points to the fact that it's really not just one policy. It's
14 about a combination of --

15 JUDGE GREEN: Correct.

16 MR. DUDLEY: -- policies that work together, like, you
17 know, continuing mandating the mask, *et cetera*, that requires
18 an adherence to all of those related policies becomes key.

19 THE COURT: Okay. Thank you. Well, that's the point I
20 wanted to talk about with the policies, but I think now it's
21 time -- since I've heard the report from the monitors, I think
22 now is the opportunity to hear from the Department of Justice
23 and -- to hear from the Department of Justice, I think.
24 Obviously the sheriff's office and the County will have the
25 opportunity to respond.

1 I don't know how, in what order, the Department of
2 Justice might do its presentation, but one thing that the
3 Court has looked at, again, the synopsis, the report itself,
4 and also that portion of the report -- the chart which shows
5 the items in which the County has fully complied with
6 versus -- when I say "the County," and/or the sheriff's
7 department has fully complied with vis-à-vis those things that
8 they still have not complied with or have come into
9 substantial compliance with and how that might affect how the
10 Court ought to view the concerns of the Department of Justice.

11 But, Mr. Cheng, I'm assuming you'll be leading the
12 discussion on behalf of the Department of Justice.

13 MR. CHENG: Yes, Your Honor. I think I'll try to fill
14 in some of the blanks that -- I think the monitor has done
15 such a great job of covering the substantive, but there are a
16 few process issues and sort of overview issues I think the
17 Court should be aware of.

18 As an overview, the parties have been trying to address
19 some of these noncompliance problems. DOJ sent a list of
20 priority deliverables on August 3rd. At the time our feeling
21 was that we needed to narrow the issues a little bit to
22 identify things that could be done within about 30 to 90 days
23 and hopefully that would move the County towards compliance.

24 We were also responding to Ms. Bryan's request that
25 sort of we give them some of a heads-up as to what we really

1 thought needed to be addressed right away so she could work it
2 into her own action plan.

3 We provided those deliverables, which included specific
4 recommendations to improve pay and retention, address certain
5 physical plant items, and address COVID, which even at the
6 time of the monitor's report was starting to look like a
7 serious outbreak across the state of Mississippi and even in
8 the jail.

9 On August 3rd the parties held a teleconference and
10 discussed the COVID situation, and we explained our rationales
11 for the priority deliverables list. As far as we know, the
12 County has not objected to anything on that list, and our
13 understanding is that the jail administrator has found it
14 helpful. But then literally the next day, the sheriff passed
15 away; COVID broke out.

16 On August 9th the parties held another teleconference
17 and we followed up with more COVID questions. We have had a
18 number of concerns for some time about the County's response
19 to some of our questions, that we ask questions that don't get
20 quite answered or can't be quite confirmed or answered kind of
21 vaguely. Similar to saying, you know, we have a policy for
22 something. Well, you know, like you said, Your Honor, who
23 knew what when? What was actually done? Some of the details
24 weren't always available.

25 So we sent out a detailed list of follow-up questions

1 on the COVID situation on August 23rd. To Ms. Bryan's credit,
2 she did respond and provided a bunch of answers in an e-mail
3 that we received on September 8th. Our understanding is the
4 board also issued ordered on employee vaccinations, which we
5 received on August 26th.

6 So I think it's fair to say that a lot of the things
7 that are being talked about even as reforms are, again, fairly
8 recent, but they are positive. I mean, it's a good thing
9 they're being done, but unfortunately a lot of them sort of
10 postdate a very serious outbreak at the jail.

11 I want to go next into just sort of a broad overview of
12 sort of a pattern that we're seeing in the substantive issues.
13 And I don't know what's the best way to organize it, but let
14 me try first with the biggest one at the moment, which is the
15 COVID outbreak which appears to be out of control in
16 Mississippi.

17 This issue has been a serious risk for some time. I
18 mean, we've been talking about it for months, and I think it
19 does outline how when recommendations are made by the CDC or
20 other experts, it's really important that the County deal with
21 them in a vigorous way and a detailed way right away. There
22 was a certain lack of contingency planning on the COVID
23 situation.

24 I think it was -- without going too much into, you
25 know, who was infected when or where, because that's patient

1 privacy information, when COVID broke out in the jail, it
2 affected so many top officials and administrators all at once,
3 it really looked like something had broken down in terms of
4 the precautions. While the County has represented for some
5 time that they have masks and they do testing, a failure like
6 that suggests that maybe things weren't really being
7 vigorously implemented or things weren't being taken as
8 seriously as they should be.

9 After the COVID outbreak, more problems erupted that,
10 again, suggested there was a real problem in the way the
11 County plans for emergencies. Initially we had a lot of
12 trouble identifying who was actually in charge of the jail.
13 Now, I realize that, you know, nobody expected Sheriff Vance's
14 passing. It really was sudden, and it was very tragic and a
15 shock to everyone here at DOJ as well.

16 The County was pretty good about appointing an interim
17 administrator, but at least in the first few days, it was not
18 at all clear if Ms. Bryan was running the jail. We actually
19 asked a number of questions and got some very odd responses.
20 So we were trying to figure out, for example, if anyone had
21 investigated the COVID deaths, and some of the initial
22 responses suggested that one of the wardens had said that we
23 didn't need to investigate the death because everyone knew it
24 was COVID. That would have been in violation of policy. It
25 meant a warden was making a decision without the jail

1 administrator's concurrence. There were -- just things like
2 that just raised a lot of questions for us.

3 We have spent the last couple weeks working with the
4 monitors and the defendants trying to clear some of that up.
5 At today's hearing we continue to hear some things that
6 trouble us.

7 Let me move from COVID to sort of the bigger-picture
8 issues; for example, the investigations. It is appalling to
9 us that Ms. Bryan does not receive information from IAD.
10 We've known that this has been sort of a problem out there for
11 a while. It was never really clear what was going on. Even
12 as of a few weeks ago when we were dealing with the COVID
13 crisis and were pressing on the investigations as well, we
14 were sort of assured that investigations would be shared with
15 Ms. Bryan, but we're at the hearing today, Your Honor, and it
16 sounds like she's still not getting that information.

17 Likewise, there are a number of issues about the use of
18 booking, the mental health unit, the contraband, the reopening
19 of B-Pod and A-Pod. You know, I don't need to repeat myself
20 or the monitors. Your Honor, we've been talking about these
21 same issues for months, and we have given defendants every
22 opportunity to plan for these issues well in advance of these
23 hearings. I would hope that when these hearings occur, they
24 would have a better answer for the Court and for DOJ. You
25 know, what was the planning that was really being done to get

1 some of this stuff in place in the safest way possible?

2 Now, part of my job is to sort of be the enforcement
3 side of DOJ and to really press the defendants on this type of
4 issue. We do recognize that they have had this sort of
5 unprecedented crisis. We understand the issue with the
6 padlock fire doors is a, you know, bad solution to an even
7 worse problem.

8 I do want to make it clear, though, that DOJ has never
9 signed off on any of these sort of short-term terrible fixes.
10 You know, if anyone ever asks whether we've shown forbearance
11 towards the defendants and been patient with their problems, I
12 hope the Court will remember we have tried to take into
13 account their concerns.

14 What troubles us is that none of these problems are a
15 complete surprise. The padlocked doors, problems with fire
16 safety, you know, weaknesses in the inspection process, we
17 brought these up in the last status conferences as well, and
18 we said to the County they really need to get some pieces in
19 place to deal with them.

20 I'll give you another example: The retention issue,
21 The staffing issue, which has been such a huge problem. In
22 our priority deliverables list, we actually listed a few very
23 specific things the board could do to try to address
24 retention. We suggested that they adopt the last sheriff's
25 proposed step plan. The salary ladder and an incentive

1 program to get people to stay, that's required by the
2 stipulated order and the consent decree, and, you know, even
3 though the sheriff's proposal wasn't ideal, it was a good
4 place to start. As far as we know, the County hasn't actually
5 adopted it.

6 The investigations issue, I've mentioned that before.

7 Let me move on to sort of one of the biggest-picture
8 issues before I conclude, which is the criminal justice system
9 in general. The CJCC was specifically included in the
10 settlement agreement so that they would have a forum to try to
11 take on a lot of the strategic planning and the big-picture
12 thinking needed so that they could get a better handle on the
13 broader community issues that affect the jail.

14 We made a very simple ask the last time I think we were
15 in front of this court. We asked to observe a CJCC meeting,
16 but we still haven't received any such notice because
17 apparently there has still not been a CJCC meeting. Now, the
18 board attorney has advised us that in practice members of the
19 CJCC have met to deal with the crises. The district attorney,
20 the board members, the sheriff, they've had to deal with COVID
21 day in, day out. They do meet and talk.

22 But this goes back to my broader point that there's a
23 certain lack of strategic planning and broader planning to
24 deal with problems. Everything is an emergency crisis
25 meeting, and crisis meetings are not a substitute for sort of

1 the long-term plans and the organized way of fixing problems
2 that they need.

3 Now, DOJ can provide a priority list of deliverables,
4 but unless somebody does something with it in the County, you
5 know, we do fear that in a few months we're going to be back
6 where we are with another set of problems and, you know,
7 people just struggling to keep up with what they need to do.

8 The thing that's sort of positive is that Ms. Bryan, at
9 least, seems much more in tune with the monitoring team and
10 its priorities and understanding how reforms need to be
11 adopted. But, again, Ms. Bryan is just one person. There are
12 some big-picture pieces at the County level, the CJCC level,
13 the criminal justice level that need to be addressed. The
14 least you would expect to see are regular meetings of the CJCC
15 or that there are similar mechanisms to the ones that have
16 been adopted by the jail administrator.

17 The jail administrator is having interdisciplinary team
18 meetings to talk about dealing with mental health cases.
19 Where is that type of regular meeting and process at the
20 County level between the sheriff's department and between the
21 board? Who is actually in charge in the sheriff's department
22 for these types of big-picture policy issues? And even if
23 they are doing these things, they need more transparency,
24 particularly in regards to providing agendas, action plans,
25 and other info that's been requested by DOJ and the monitors.

1 It really shouldn't take this long just to get a couple
2 investigations for deaths. Even if you just want the interim
3 reports or at least want to ask the jail administrator what is
4 your first impression of what went wrong, in this jail it
5 takes months and months and months to get the most basic
6 information, and we're not sure why that's the case. It seems
7 very unusual. I don't think any of the experts or even
8 Ms. Bryan has ever seen anything quite like it. It's not a
9 regular practice to withhold so much information from the jail
10 administrators.

11 I guess in conclusion I would just say that, again,
12 none of the problems we've talked about are a surprise. We
13 flagged all of them at one time or another. We've asked about
14 housing contingency plans in the event a COVID outbreak.
15 We've talked about what are they going to do if there's a
16 problem with their leadership because somebody gets infected?
17 We've talked about the need for testing and do they have
18 enough tests?

19 We get general answers at these hearings, but I think
20 it's become very, very clear the County needs to be able to
21 address these things in very specific ways with detailed
22 plans. The board needs to commit specific funding and
23 resources for staffing. It needs to decide how many staff is
24 it going to actually fund and at least approve in general
25 funding for the full-level staffing that's required. We don't

1 expect them to be able to do everything right away or
2 implement everything right away. But at the leadership level,
3 they need to be better prepared to handle issues before they
4 become crises. If they don't, I think Your Honor is right
5 that DOJ definitely has to consider taking additional actions.

6 Thank you.

7 THE COURT: Thank you, Mr. Cheng.

8 So, again, there are a number of concerns that the
9 Court heard today, and I think since this court has been
10 involved, I guess we're on the precipice of the third
11 administration, I think. I think when I inherited the case,
12 Sheriff Mason was the sheriff, Sheriff Vance, now with interim
13 Sheriff Crisler. And it remains to be seen if there will be a
14 change in the guard after the November elections. And I say
15 "elections" because I'm assuming that there will be a runoff,
16 as I opened up with here.

17 But everyone has been aware of the problems since
18 before I got involved. I guess there's been two different
19 board attorneys, and I know there have been a change in the
20 Board of Supervisors since I inherited the case. But everyone
21 who becomes involved assures the Court and others that this
22 consent decree is a priority thing and that, you know, we will
23 seek to try to get from up -- out from up under the consent
24 decree.

25 But as is evident from this latest report; that is, the

1 14th report, I assume Ms. Simpson and her team is getting
2 ready to prepare the 15th report, and it will be quite
3 revealing, but I assume based on what I've heard today I
4 probably should not expect the 15th report to look
5 substantially different from this 14th report, which was no
6 real difference from the 13th report, *et cetera, et cetera*,
7 because I've got deaths in the prison -- in the detention
8 facility. That is something that I have been adamant about to
9 the parties from day one that I never wanted to see.

10 I mean, people die of natural causes. I know that.
11 But the deaths that we're having, the deaths that we have had
12 at this detention center, I'm not willing to presume that they
13 are by natural causes, and I won't be confident that they're
14 natural causes until these investigations have been completed.
15 And I'm not sure if at the end of the day one should be
16 satisfied with any investigation because we don't know what's
17 going on. One of the things that I mentioned earlier is
18 whether or not anybody's statements have even been taken from
19 individuals during some of these investigations.

20 The problems are systemic. The problems have long been
21 identified. Some of the solutions have been offered and have
22 long been offered, but we are still at the point -- we are no
23 farther down the road than we were, again, when I got this
24 case I think in January 2019, and now we're almost to
25 January 2022, and there's no obvious information to me that

1 the County is equipped or that the County will be able to get
2 from up under the consent decree. And at the rate that we're
3 going, the County, you know -- at the rate we're going.

4 We'll see what has to be done in the future. I don't
5 want to presuppose any sort of judgment or any sort of
6 decision that I might have to make down the road, but I've
7 heard many of -- I've heard a lot of this stuff before, and I
8 suspect when we have the status conference in a few months on
9 the 15th report, we will be right back at this point, because
10 this feels to me exactly where we were in June. And now I
11 know it becomes complicated with respect to the leadership
12 within the sheriff's department, but that's why you have to
13 have things in place and policies in place, procedures in
14 place, and that there has to be a commitment to honoring those
15 policies and procedures.

16 So I guess now that Mr. Cheng, DOJ, has had its
17 opportunity, obviously I must give the County an opportunity
18 to respond to any portion, all, none, of the monitor's report
19 and also give the sheriff the opportunity to respond as well.

20 Mr. Gaylor.

21 MR. GAYLOR: Yes, Your Honor. Just a couple of things
22 that I really want to submit to the Court in response to the
23 Department of Justice's contentions as well as the monitor's
24 contentions.

25 I think that it should be noted that our new jail

1 administrator has been in place for roughly a month. Roughly
2 a month. The monitor's report, everything that would have
3 taken place within that report would have taken place prior to
4 her coming on board. And when I say "roughly a month," I mean
5 that she started in mid-July, and there was a COVID outbreak
6 that happened not very long after that, and so she's only been
7 in place really since, you know, second week of -- or first
8 week of August, so to speak.

9 I don't think it's fair for us to treat the obstacle of
10 COVID and the delta variant as if that is not an unprecedented
11 barrier to compliance. Losing our sheriff the way we lost
12 him, losing other -- losing a detainee the way we lost him,
13 losing some of the other people that we have had in place, I
14 don't think that that is something that can be really swept
15 aside as if it's not something that's completely within our
16 control, because, as we've all observed, the delta variant is
17 something that is impacting us beyond just people that are
18 coming and going inside the detention centers. We can catch
19 it at any time, at any place, anywhere, and so it's something
20 that we're trying to put contingencies in place for, but, you
21 know, it's not as if this is something that is very
22 preceded and very predictable, because it's not.

23 Those of us that have been vaccinated are still
24 catching the delta variant. The sheriff had been vaccinated.
25 And so -- the jail administrator was vaccinated, our attorneys

1 have been vaccinated, and we're still catching the delta
2 variant. And so we would submit that this is something that
3 we are trying to cope with. We are putting measures in place.

4 THE COURT: Well, let me just interrupt you right at
5 this point, and I apologize.

6 And, yes, COVID has been a different experience for us
7 all. We thought we had gotten over that wave, and then the
8 delta variant came back, and a lot of that is because of how
9 we -- when I say "we," the American public, has reacted to
10 COVID-19 anyway.

11 But I hear you and I understand you, Mr. Gaylor. But I
12 also heard you say we need time to implement our policy to
13 convert people who are under our authority, to persuade them,
14 to convert them, you know, old habits die hard or whatever I
15 heard. I mean, we need time.

16 So if it's time that the County needs to implement the
17 policy that the Board of Supervisors adopted two meetings ago,
18 and that policy is that every County employee either is
19 vaccinated or is tested on a weekly basis, and I think I heard
20 you say that that was the policy that was adopted, and I've
21 heard you and I've heard Ms. Barker both say we need time.
22 And even Sheriff Crisler said we need time because this is
23 something new. This is something different. We have to
24 change the culture.

25 I'm just at a loss, because being vaccinated or not --

1 if you're going to be vaccinated, you go to Walmart, Walgreen,
2 Kroger, your doctor's office, your health department, other
3 stations. It's readily available. If you're going to be
4 tested, you designate a person -- how much time does the
5 County need, Mr. Gaylor, to make sure that the policy that the
6 Board of Supervisors adopted is implemented?

7 MR. GAYLOR: Your Honor, with all due respect, I know
8 it's going to take more than two weeks. We just implemented
9 this process a meeting ago, and it is something that you know
10 and everyone else would know that everybody is not going to be
11 happy about. We know that there are court cases right now
12 coming before the Court challenging vaccine mandates, and we
13 have a policy that we're adopting and we're trying to
14 implement, and it's going to take a minute to get everybody up
15 to speed on that. We have received --

16 THE COURT: Is the County waiting to see if it's going
17 to be sued? I mean --

18 MR. GAYLOR: No, Your Honor.

19 THE COURT: Because I understand you. How much time
20 does the County need to enforce a policy that the Board of
21 Supervisors adopted?

22 MR. GAYLOR: Your Honor, we've never said that it's not
23 being enforced. It's being enforced as we speak. But at the
24 same time, I don't want to make a representation to tell you
25 that everybody's buying in to it. I can't give you the

1 representation that everybody has actually adhered to it. But
2 it is a policy that is being enforced and has been enforced
3 since pen was put to paper on it.

4 THE COURT: Has a memo gone out to the department
5 heads, for example, the people who are over County offices,
6 like the tax collector, the tax assessor --

7 MR. GAYLOR: Absolutely.

8 THE COURT: -- all of them, and say --

9 MR. GAYLOR: Yes.

10 THE COURT: -- you know -- okay.

11 MR. GAYLOR: Yes, Your Honor. Not only have they
12 received it, they've also received follow-up news articles
13 talking about the federal administration's enforcement of new
14 policies so that when they explain this policy to their
15 employees, they understand that this is something that's
16 coming down from D.C. as well so that they'll be more
17 compliant with the policy that is being put forward. So
18 that's just one element of what we're talking about, Your
19 Honor.

20 In light of the fact that even though monitors have
21 expressed today that they're extremely pleased with what
22 they've seen with Major Bryan coming on board, obviously it's
23 going to take her some time to get all of her policies and
24 employees in the position that they need to be in as well.
25 That is something -- I would submit, Your Honor, that that is

1 a game changer, and it's not just me saying, but even the
2 monitor, Mr. Parrish, has stated that he's not encountered an
3 administrator as qualified as the one that we have just hired
4 over the last seven years of this consent decree being put in
5 place, so I would submit that that is, again, progress.

6 Now, you may not have seen much progress since June,
7 but I would submit that over a period of time, if our
8 administrator is given the opportunity and the County is given
9 the opportunity, you will see substantial changes.

10 Of course, I would also submit that the renovations in
11 C-Pod, the renovations that have taken place in B-Pod are also
12 changes and progress that has been made over the course of the
13 last year that is something that should be noted.

14 I believe that the sheriff's department and Major Bryan
15 can probably explain to the Court how it has implemented the
16 renovations within B-Pod more recently and how that was put in
17 place to address COVID as well. But I don't think that it's
18 fair to submit to the Court, as DOJ has sort of alluded to,
19 that we have not had contingency plans in place, that we have
20 not had an administration in place to handle this problem.

21 With regard to the continuing concern that has been
22 expressed about CJCC not meeting on a regular basis, we've
23 consistently stated that under the consent decree the CJCC did
24 what it was supposed to do in putting together the
25 recommendations that it put together a very long time ago.

1 The Court and the consent decree does not have
2 jurisdiction over all of the people who would need to meet
3 within the CJCC, and that includes the mayor and the police
4 chief and some of the justice court judges and the district
5 attorney as well.

6 But even in light of that, it is clear that the
7 sheriff's department as well as the County as well as the
8 district attorney's office and judges have met routinely to
9 try and address the problems that we have with regard to the
10 criminal justice system. We have done that on a relatively
11 regular basis, not just a random basis, but even with that, we
12 do have a CJCC meeting that is scheduled for next Friday, and
13 we will certainly get that information to the Department of
14 Justice so they can sit in or call in to be a part of that
15 meeting as well.

16 But that has been put in place because now the County
17 administrator is the interim chair of that committee, and as
18 the bylaws for that committee state, the County administrator
19 can be the chair of that meeting as well. So we are
20 addressing a lot of things, Your Honor.

21 Now, we do not have control over MBI with regard to its
22 investigative process. We don't have any control over the
23 State medical examiner, as that has been something that the
24 district attorney has expressed on a number of occasions and
25 has complained to the governor and lieutenant governor and

1 whoever else will hear him that the State medical examiner,
2 that department is a real barrier to getting investigations
3 done within this County.

4 And so we can't -- we don't have control over whether
5 or not they're going to do their jobs or how long it takes
6 them to get their jobs done, but that is a barrier to getting
7 the investigations completed as well.

8 THE COURT: Has there been any conversation with MBI?
9 From what I heard Ms. Barker and what the others have said, we
10 don't know what's going on. We don't know if they're
11 investigating. We allude to the fact that, yes, there's a
12 backlog in the area of medical examiners, but have you been
13 told that that's the reason? No. That's not what I heard,
14 that that was the specific reason or that's the specific
15 status or that's what's going on with either the CID, the AID,
16 or the MBI investigation. We don't know. We're speculating
17 at this point.

18 I got five deaths. One is early back in April, maybe
19 even before then. Don't know the status. Don't know if the
20 detention facility needs to be tweaking its policies or doing
21 anything differently because of the way something happened.
22 Don't know if there -- what -- even so, the jail administrator
23 has been blocked out of receiving any information about
24 anything with respect to people who have to report to her or
25 people who are within her custody. That's problematic.

1 I mean, I understand -- yes, I read the papers. Yes, I
2 see the news. Yes, I'm aware of cases having to be continued
3 and stayed because we don't have a medical examiner's report.
4 But that does not stop people from doing an investigation.
5 JPD is called out to the scene. They do the investigation, I
6 imagine. They don't stop the investigation because they know
7 that it might be two years before they get the autopsy results
8 back. I think they go forward with the investigation.

9 So my problem is, yes, those are all points, and
10 they're well said and well documented. But we don't know what
11 the status of any of these five deaths is, because either
12 we've not been told or we've not asked.

13 MR. GAYLOR: So before I let the -- we'll defer to the
14 sheriff's department with regard to the investigation as well
15 as the administrator's ability to access files. Do you want
16 us to address the renovations from the County's standpoint
17 before the sheriff's department weighs in, or do you want --

18 THE COURT: Thank you. Yeah. You need to take that
19 up, because I know you've got Benchmark and the Farr group
20 here on your pay -- on your dime. And they've been here since
21 the beginning, so I appreciate that. They did need to be here
22 because there's some things with the facility itself that we
23 were assured at the last status conference, I think, that they
24 would be done by now, I think. So yes, Mr. Gaylor, I would be
25 very much interested in hearing from them through you or from

1 them, however you wish that they chime in.

2 MR. GAYLOR: I would like for Mr. Marsh to start the
3 process if he's still on the line. I believe he is.

4 Mr. Marsh, can you hit unmute? There you go.

5 THE COURT: You're still muted. Let me see. It may be
6 something technical that we may have to fix on our end.

7 Are you unmuted, sir?

8 MR. GAYLOR: I'm seeing that he's unmuted. I just
9 can't hear him.

10 How about Mr. Farr? Is Mr. Farr still on or
11 Mr. Chamblee?

12 MR. FARR: Yes. Attorney Gaylor, this is Rob Farr.

13 MR. GAYLOR: There we go.

14 MR. FARR: Okay. We're in. Gary Chamblee needs to
15 join in.

16 Gary, are you live?

17 MR. CHAMBLEE: Yes, sir.

18 MR. FARR: Okay. All right. So great progress has
19 been made in C-Pod, but -- and B-Pod as we move forward.
20 C-Pod is operational. Gary is on the day-to-day activities of
21 trying to complete the renovation. We've taken extraordinary
22 actions to get occupancy in the COVID response, which has
23 indeed been a stellar effort from all of the subcontractors
24 working in C.

25 Gary, do you want to outline for the judge our current

1 status?

2 MR. CHAMBLEE: Yes, sir. We're very close to finishing
3 everything in the B-Pod. We had to do some temporary repairs,
4 such as the padlocks on the exit doors, but we hope to have
5 those repaired properly here soon. We've finished the
6 windows, but we're very close to being through with B-Pod
7 alone. We've got some other things to do in the rest of the
8 facility, but as far as B-Pod, we're close.

9 MR. FARR: We've been focused on getting B-Pod
10 operational and completed. I would say that we have made it
11 operational, but there are still some items, as we've already
12 discussed in the call, on the fire safety side that we've
13 taken some unfortunate but best of the worst approaches to
14 address in the short term. That is ongoing, and we are
15 focused on completing that.

16 One of the commentary from the -- from Ms. Simpson
17 about the camera operations, that's an ongoing effort to bring
18 the cameras back online and get them where they're functioning
19 properly in the RDC, and I know Gary has been on top of that.
20 Some of it is equipment deliveries and some of it is just
21 getting the interconnection between the units properly working
22 again.

23 Gary, you want to touch on that?

24 MR. CHAMBLEE: Yes, sir. Hopefully by the end of next
25 week, we'll have all the workstations installed so we can

1 properly upgrade the servers and be able to see what cameras
2 are actually working and what cameras need to be replaced.
3 But I've been told by the staff that that will be completed by
4 the end of next week.

5 MR. FARR: Thank you, Gary.

6 We have a projection of our last items in B-Pod that
7 can get us completely out and allow the sheriffs or the jail
8 administrator's team to occupy it?

9 MR. CHAMBLEE: That's correct. Yes, sir. We made some
10 temporary repairs, not ideal repairs but just some temporary
11 repairs, such as the padlocks on the exit doors, just so they
12 could put some quarantined inmates in B-Pod. They only had B2
13 and B4 occupied up until -- we were installing some windows --
14 view windows in the doors. They in the last couple of days
15 moved some people out of 2 and 4 into 3 and 1 so that we could
16 do those, and we finished that. We finished that yesterday, I
17 believe.

18 MR. FARR: Okay. Thank you.

19 We're working on a projection about the total
20 completion of B-Pod. The biggest long-term lead item we have
21 is the replacement of fire doors and get rid of these
22 padlocks. That's a material problem that we are in process of
23 completing. And the County's been very supportive in
24 providing funds to accommodate these emergency activities and
25 to move forward expeditiously with it.

1 Gary, any summary update that we should provide the
2 judge?

3 MR. CHAMBLEE: No, sir. We're working on the fire
4 alarm system, we're working on the camera situation, and we
5 hope to get those completed soon. I'm still waiting on
6 durations for material to come in on some of the items.

7 MR. FARR: Thank you. Thank you, Mr. Chamblee.

8 Judge, we can try to fill in any of the blanks for you,
9 but that's a summary of the current reconstruction of the
10 B-Pod and the general systems in the RDC.

11 Mr. Chamblee did mention the replacement and upgrading
12 of the overall fire detection system, and that is ongoing.
13 It's a process that has taken quite a bit of energy to retrace
14 the system's infrastructure so that we can keep it functioning
15 properly and get it back to a sustained and acceptable level.

16 THE COURT: In looking at the available -- in looking
17 at the chart that has been made available to the Court, fire
18 hoses have been installed in the C-Pod, I think, but have not
19 been reinstalled in the other pods. So we still got pods that
20 house prisoners and there are no fire hoses there?

21 I see Mr. Chamblee raising his hand.

22 MR. CHAMBLEE: Yes, sir. Yes, Your Honor. The fire
23 suppression system as originally installed has not been
24 functioning. The fire sprinkler -- what I'm calling the fire
25 suppression system is the fire hoses. The only thing that's

1 not working is the fire alarm system, which they're still on
2 24-hour watch, fire watch.

3 THE COURT: Okay. So the suppression system itself
4 works, whatever systems are there to suppress a fire.

5 MR. CHAMBLEE: Correct, Your Honor.

6 MR. FARR: Yes, Your Honor. That is correct. And
7 we're making excellent progress on reconstructing the fire
8 alarm system throughout the whole facility.

9 THE COURT: Okay. Is there anything else you-all wish
10 to tell me about the renovation project, any renovation or
11 any -- I guess you're here to tell me -- I don't know if
12 you're the ones to tell me, but I guess all the jail locks,
13 doors, swing doors, all of that is now working?

14 MR. CHAMBLEE: Your Honor, anytime you have an
15 electromechanical device, you're always subject to devices
16 failing. We do have some proposals that we will be submitting
17 to do some maintenance on those devices. It's not just in
18 B-Pod, but it's staggered throughout the facility.

19 MR. FARR: Mr. Chamblee, this is Rob Farr again.

20 Judge, the replacement work that was in the stipulated
21 order has been completed with all of the locks and swing doors
22 and sliders and all the change-out. We are having some
23 operational issues with each -- with some, very few but with
24 some, of the units that have been reconstructed, so that's
25 what Mr. Chamblee is referencing. We're keeping them

1 operating and keeping them working.

2 We do have periodic failures of the devices, and we're
3 running those down. We're also working on some of the doors
4 that were not originally outlined in the stipulated order,
5 bring those into operational security.

6 Would that be fair, Gary?

7 MR. CHAMBLEE: Yes, sir.

8 THE COURT: Okay. Thank you. Anything else with
9 respect to the facilities?

10 MR. CHAMBLEE: I would like to mention that at
11 Henley-Young we have got the control board installed, and
12 everything's functioning there.

13 THE COURT: Okay. Thank you, Mr. Chamblee.
14 Mr. Gaylor?

15 MR. GAYLOR: So, Your Honor, I would submit that based
16 on what you've just heard from our construction team, that we
17 are making significant progress with regard to renovations and
18 repairs and maintenance at all of our detention facilities.
19 We're not saying that everything's perfect at this time, but
20 we are certainly working very diligently to address the -- not
21 only the needs of the stipulated order and consent decree but
22 just in general with regard to repair and maintenance.

23 You've also heard from one of your monitors with regard
24 to the youth detention center, Henley-Young, that progress has
25 been made with staffing. If you have additional questions for

1 Mr. Fernandez Frazier, he's on the line as well. He may have
2 something that he wants to mention to the Court with regard to
3 progress that's being made out there.

4 But we also have been communicating with psychologists
5 with Hinds Behavioral Health and are putting that in place as
6 well as -- so that we can have another psychologist or another
7 mental health professional talking with our youth detainees as
8 well as our adult detainees.

9 Additionally, I think the sheriff's office and the
10 administrator -- jail administrator will speak to the progress
11 that is being made with regard to our medical contract
12 presently currently with QCHC. But we're receiving a lot of
13 progress with regard to the staffing our medical staff for our
14 detention facilities.

15 Mr. Frazier, is there -- would you like to address the
16 Court?

17 MR. FRAZIER: Just as you said, Attorney Gaylor, in
18 reference to Henley-Young, we've made some significant
19 advancements in regards to the overall staffing itself. We'll
20 continue to be engaged and actively to hire. The complement
21 of staff that we have here, we've been able to have a positive
22 effect on the overall day-to-day operation of the facility.

23 We have made some advancements with the assistance of
24 both Ms. Nelsen as well as Mr. Moeser and -- as we continue to
25 collaborate in regards to meeting the daily needs when it

1 comes to the mental health aspects of the youth that are here.
2 We have some challenges, but I know that over the last few
3 months we've actually had a positive impact in meeting those
4 challenges with those youth.

5 Just as identified, we were able to bring on Ms. Carol
6 Warfield, who is a leading mental health expert in the field
7 of child care and child development in the field mental health
8 itself. She has a stellar background, and with the support of
9 the monitors, both Mrs. Nelsen and Mr. Moeser, we found it to
10 be a very viable fit.

11 We did have -- we recently had a collaboration meeting
12 to go over some things that we were looking to modify,
13 long-term goals that we're looking to -- a system that we put
14 in place at Henley-Young. So with that, we plan to continue
15 to collaborate. We have it set up, established now, where we
16 converse with her -- with them at least every -- no less than
17 a biweekly conference meeting with her assistance and just
18 overall structure of the mental health program for
19 Henley-Young itself.

20 So with that being said, I think that we'll see some
21 significant strides and continue to see improvements here at
22 Henley-Young.

23 I want to say thank you to the County supervisor,
24 because we have now had some facility maintenance issues
25 addressed with -- that are impacting and imperative in this

1 facility; i.e., the -- the control boards. We've been working
2 with that. That is now in place, which has been a very, very
3 positive -- has had a very positive impact on the overall
4 physical plant operation. We continue to make strides and
5 address the issues from the standpoint of being a good steward
6 for the community and to work in the best interest of the
7 youth that are housed here.

8 THE COURT: Thank you, Mr. Frazier. I did not have any
9 specific questions from that area with respect to what's been
10 going on over there, so for the -- I guess for the benefit of
11 the parties and the -- I guess -- the Court did make a visit
12 over there to Henley-Young several weeks ago, I think back
13 in -- a few weeks ago, back in August, and got a chance to see
14 some things and talk to people over there, observe some
15 things. So I did not have any questions about what's going on
16 over there from that meeting.

17 So, Mr. Gaylor, I believe you suggested that the
18 sheriff and -- the sheriff's counsel or the sheriff ought to
19 speak up on some things that they wish to.

20 MR. GAYLOR: Yes, Your Honor. I'm going to let them --
21 Ms. Barker and the sheriff and Major Bryan address some of the
22 other concerns with regard to the sheriff's department as well
23 as some of the progress that we've been making.

24 THE COURT: Okay.

25 MS. BARKER: Good afternoon.

1 THE COURT: Good afternoon, Ms. Barker.

2 MS. BARKER: I want to first address the issue of Major
3 Bryan having access to the internal affairs files. Your
4 Honor, we became aware that that was a problem last week, we
5 are actually as we speak drafting a directive that allows her
6 complete access to those internal affairs files so that she
7 can participate and see if there is any problems and what type
8 of corrective measures need to be made from a policy
9 standpoint, and I want to make that abundantly clear. If
10 Major Bryan needs access and this will help the process,
11 absolutely. We are fixing that.

12 Additionally, Your Honor, Attorney Gaylor touched on
13 this, but I feel like it needs to be reiterated. It is
14 incredibly unfair for the Department of Justice and the Court
15 to judge what's been happening in the sheriff's department
16 based on this last month and a half between the time that the
17 14th monitoring report came out, which, mind you, Major Bryan
18 was not on the ground at that time, and what's precipitated
19 between that time and this time.

20 Your Honor, it has been trying, to say the least, and
21 for the Court and for the Department of Justice to allege that
22 the sheriff's department doesn't have any policies in place or
23 anything to help the situation is entirely unfair. Major
24 Bryan got here and she has been -- and the monitors and the
25 Department of Justice have acknowledged that for the first

1 time since this consent decree, we actually have a jail
2 administrator that is equipped to handle the problems and the
3 challenges that RDC and the criminal justice system of Hinds
4 County present.

5 Major Bryan got here mid-June, the very end of June.
6 She wasn't on board but yet a week and the entire command
7 staff, including myself, got COVID. One of our officers was
8 in the hospital, and the sheriff died. That has had a major
9 impact on the way that we have -- or the amount of things that
10 we've been able to accomplish. We are mourning here at the
11 sheriff's department, and we're trying to sort things out.

12 Interim Sheriff Crisler has come on board and has done
13 an amazing job grasping these in-depth issues and has been
14 working with Major Bryan since she's been able to actually
15 have boots on the ground here. And I want to commend her on
16 the amazing accomplishments that we've gotten in such a short
17 time, which I don't know that the Department of Justice fully
18 grasps. I do know that our monitors are grasping it, because
19 they've had an open dialogue with her that I feel wasn't --
20 that they did not have with any of the past administrators,
21 and they've noted that she does get this. She understands
22 policy and the big picture that the Department of Justice
23 keeps alluding to, and the fact that she has gotten anything
24 done is -- should be commended.

25 Additionally, yesterday the board gave 5 percent raises

1 to all the detention officers, and that has been something
2 that has been holding back our recruiting and retention
3 efforts.

4 THE COURT: Okay, then. So, Ms. Barker, hold on. I
5 don't suggest you ought to be sounding defensive or attacking
6 DOJ or the Court, but the 5 percent raise, for example, why
7 couldn't that have been done a year ago, six months ago, five
8 months ago, three months ago, two months ago? My point is at
9 the end of the day, it sounds like we're going to get this
10 next plea: Give us more time. And if I give you more time,
11 how much more time does the sheriff's department want? If I'm
12 willing to give you more time, how much more time do you want?

13 I understand the major over the detention center was
14 just getting her toes wet. How much time does it take to take
15 off these shoes on this chart with respect to substantial
16 compliance, full compliance, no compliance? How much time --
17 how much more time? Because this has been pre-COVID, during
18 COVID, post-COVID, delta variant, and now, as you said, during
19 this mourning/grieving process.

20 So how much time does the sheriff's department need?

21 MR. CRISLER: Judge, let me give my staff member an
22 opportunity to speak.

23 THE COURT: We can't understand you, Sheriff Crisler.

24 MR. CRISLER: Am I clear now?

25 THE COURT: You're a little bit better.

1 MR. CRISLER: Okay. I was just making mention to y'all
2 that I would like for Major Bryan to have an opportunity to
3 address some of these issues, and I'll follow her up to see if
4 I can put you at ease in certain answers to your questions.
5 Is that okay?

6 THE COURT: That's fine.

7 MR. CRISLER: Thank you.

8 THE COURT: Major Bryan, you may come forward in any
9 way you wish.

10 MS. BRYAN: I don't mean to be obtuse. I'm not real
11 clear on what I'm expected to address at this point.

12 THE COURT: Well, I'll let Ms. Barker finish her set,
13 because I did cut across Ms. Barker, and I apologize for that.
14 So I'll allow Ms. Barker to finish her points.

15 MS. BARKER: Your Honor, I understand the Court's
16 frustrations. I share them. It is not a good place to be
17 before the Court for the last six years and trying to explain
18 why things have not been done. However, I can say to this
19 court that this is the first time we have had an actual jail
20 administrator with the focus on being an administrator. I
21 believe that the fact that she has been here, has recovered
22 from COVID, has had a sheriff die, and has started to get
23 major policies in place, a medical contract in place, and has
24 started to try to implement more of a direct-supervision
25 concept with the jail in these four weeks that she has been

1 here is -- should be commended, and, you know, the fact that
2 the Court and the Department of Justice is saying oh, wait,
3 hold, on now Hinds County needs to have not control over the
4 jail, I think it is incredibly unfair.

5 And the Court asked how much time we need. I don't
6 know. I can't answer the Court on that. But I do think that
7 the Court needs to have -- and the Department of Justice needs
8 to be able to hear from Major Bryan. She brings an incredible
9 amount of knowledge and experience to this position, and I
10 think that she deserves a chance to be heard on this.

11 And I would ask Major Bryan just to briefly explain to
12 the Court just some of the top priorities that you have hit on
13 over the past couple of weeks that she's actually been in the
14 office and at the jail and not sick and just to explain to the
15 Court how we are actually getting some traction on some major
16 issues that are big-picture issues that can propel the
17 sheriff's department forward on this matter.

18 Major Bryan.

19 MS. BRYAN: Your Honor, if I may, there have been some
20 areas of significant progress, in my opinion. The medical
21 contract has -- I worked with the County attorney to
22 renegotiate the medical contract to increase the services with
23 a focus on cost containment.

24 We have proposed adding a mental health nurse
25 practitioner -- an additional mental health nurse

1 practitioner, an additional medical nurse practitioner, and an
2 additional mental health provider to staff the mental health
3 unit. To that end, we have been meeting monthly. The mental
4 health unit planning committee has been productively meeting
5 monthly to get that ready for occupancy.

6 We have a platform of mental health training being
7 delivered by one of the most credentialed instructors I've
8 ever had the privilege in my career to know. It's a
9 three-part series. We've identified 25 staff and the medical
10 practitioners to be involved in that training to staff the
11 mental health unit. That is going very well, in my
12 estimation.

13 Policies are -- as Ms. Simpson referenced, policies are
14 being produced. The person in charge of writing policies has
15 relocated her office next to me so we can be more productive
16 day to day.

17 Mr. Parrish has been an enormous help with the staffing
18 analysis, so that is progressing.

19 I'm reluctant to repeat anything that's been said
20 prior, but there are some areas within the jail that are
21 improving.

22 There is an inordinate amount of work to do, and it is
23 daunting. It cannot be done by me in a vacuum. I need
24 regular, regular substantial interaction with the sheriff's
25 office, with the County to support this. If that effort is

1 front-loaded, if I get that at the front end, then in a
2 relatively short period of time, short maybe even by the
3 Court's estimation, we could be more much progressed than we
4 are now.

5 Sheriff Crisler in his very brief interim has expressed
6 some sincere intent to put the jail at the forefront of his
7 priority list. It's early days, and yet I'm still hopeful
8 that we are assembling with the interim sheriff a tremendous
9 team with the ingredients we need to succeed.

10 And if there's anything else you'd like me to add, I'd
11 be glad to add them.

12 THE COURT: Okay. Thank you, Major Bryan.

13 Is there anything else that the sheriff's department
14 would like to say? And I saw Mr. Moeser's hand.

15 MS. BARKER: Your Honor, the sheriff would like to
16 address the Court.

17 THE COURT: Okay.

18 MR. CRISLER: Your Honor, I just wanted to say I
19 appreciate this opportunity. I know on the front end I wasn't
20 able to introduce myself to the participants on this Zoom. I
21 had some audio problems.

22 Let me just say this real quickly: For those that
23 don't know me, my name is Marshand Crisler, and I do bring a
24 wealth of knowledge to this office. I actually spent 20-plus
25 years in this very office under the leadership of Sheriff

1 Malcolm E. McMillin. I am a law enforcement officer by trade,
2 but here's what I think the Court and everyone else needs to
3 take away from this.

4 I understand the role of the Hinds County Sheriff's
5 Department. Its number one priority is and always will be the
6 detention center. That experience I bring in working in every
7 aspect of this department better prepares me to be able to
8 deal with the situation at hand. But let me tell you this,
9 Your Honor, and everybody listening: I've only been here four
10 weeks, and I don't make any excuses. I have done my utmost to
11 spend every waking hour to understand everything that has to
12 do with this consent decree and all of the requirements that
13 go along with it and trying to meet the needs.

14 I've taken copious notes today to try to address some
15 of the issues that the Court has with some of the integral
16 things. But, you know, I'm not only a practitioner when it
17 comes to policy, I'm an academia. My graduate degree is in
18 public policy administration, so I do understand and
19 appreciate policy. And that is what we're putting in place
20 right now. You mentioned earlier, Your Honor, about the
21 concern, and I think DOJ and others, Mr. Parrish, too, made a
22 note about the issue with IAD.

23 As my attorney just mentioned, I just learned that our
24 jail administrator did not have access to IAD files, so I made
25 an executive decision last week to get that document to her in

1 an executive order that will allow her to do that.

2 When I first took over this role, Your Honor, the jail
3 administrator was under my undersheriff. The day I swore in,
4 I cut an executive order and put the jail administrator
5 underneath me, where it belong, and so I am adjusting to some
6 of the things that had not occurred prior to the four weeks of
7 me being in office.

8 So I would ask the Court to give some deference in
9 knowing that both myself and my jail administrator have been
10 here a month, and we have done, I think, a yeoman's job to
11 address a lot of these issues that haven't been addressed in
12 ten years, quite frankly, it looks like.

13 So the death investigation is something I'm concerned
14 with as well, Your Honor. Our major investigator commander,
15 which is Commander Tyree Irving, has been in contact with MBI.
16 I don't have any reports in front of me or what that looks
17 like, but I can assure you next time we have this meeting,
18 I'll have some documentation and I'll have a report to report
19 to these courts -- to the Court, rather.

20 There is a lot going on right now. One of the things I
21 take pride in -- you had asked about why didn't they do it
22 five years about getting these raises to the detention
23 officers, and, Your Honor, the best answer I can give you is
24 clearly it wasn't a priority, but it was for me. So
25 yesterday, as we sat with the board, they were going to be

1 settling for a 2 percent raise, and I made it very clear, and
2 the president of the board was very accommodating, we got them
3 a 5 percent raise. So I did that because I understand the
4 value of the detention center and its officers and its
5 personnel. That is my priority.

6 I've tried my level best to stay out of Major Bryan's
7 way as she administers and conducts her business as the jail
8 administrator because I understand she's the expert, and she's
9 doing a fantastic job. And I too am a little frustrated when
10 I hear that the expectation for us to have this fixed in four
11 weeks -- at least that's what it sounds like -- I don't know
12 how to respond to that. I don't think that's realistic at
13 all, quite frankly.

14 But I will say this: Give me 30 days and these
15 questions you're asking and the reports that you need to give
16 you at least a status report where we are, they will be
17 generated. The policies we got in place with COVID, I can
18 assure you that we have a policy in place that's probably as
19 strict as they come: If you do not get vaccinated you will be
20 tested. If you do not be tested or vaccinated, you will be
21 terminated.

22 Now, understand that when that policy is executed, we
23 will have some vacuums in our staffing. I don't have a
24 problem with that, Your Honor, because we're going to take
25 this very seriously. I want to send a message to the

1 employees that we're taking it serious. So I don't have a
2 problem with any of that, what I just said.

3 There are other things that need to be addressed. One
4 of them was contraband coming into the jail. As I mentioned
5 to you, I am 100 percent law enforcement, so if contraband is
6 coming to the jail, I'm going to make rounds personally to
7 ensure we keep it out, and that's exactly what I did last
8 week.

9 On last Thursday, we did two searches of the jail, one
10 at both the afternoon and evening shift change, and we got
11 phones, drugs, weapons, and all kind of contraband out of the
12 jail. That's a proactive step to address it. Now, we know
13 that that's going to take more than just sweeps to get that --
14 keep that from coming into the jail. We have some internal
15 matters that we're investigating vigorously right now, and we
16 know that we have some internal issues with personnel, and I
17 can assure you that I'm going to do everything I can to
18 investigate the situation, and if I find anybody in violation
19 of the law, they will be prosecuted at the fullest extent of
20 the law. And I do believe that exist in that jail.

21 So it's going to take a little time to weed out these
22 issues that we have, and I would just ask the Court to at
23 least acknowledge the fact that both myself and the
24 administrator are four weeks into this and we are burning
25 candles trying to make sure we correct this. So I don't know

1 any way else to address that. I am committed to this office.
2 I've committed my life to law enforcement and the detention
3 center, and we'll see what happens with the sheriff's
4 department.

5 So I'm passionate, as you probably can tell, Your
6 Honor, about this position I find myself in, but, again, I
7 would ask some leniency in terms of the timeframe that we have
8 been given to try to correct these things. I know this has
9 been going on for a decade, and, again, the major and I have
10 been here four weeks, so if you could just give us an
11 opportunity to not only create the policies that we've already
12 done, but implement the policies, ensure that we hold people
13 accountable to following the policies, that's really all I'm
14 asking.

15 I don't know what the magic date is to say how long do
16 you need. I definitely need more than four weeks to be able
17 to get this thing turned around, so I would hope that's a good
18 answer for you. Thank you.

19 THE COURT: Thank you, Sheriff Crisler.

20 Mr. Moeser, you had something you wished to say, I
21 believe.

22 MR. MOESER: Yes. Thank you, Your Honor.

23 I just wanted to follow up on the information about a
24 raise provided for detention officers. It's my understanding
25 that did not include staff at Henley-Young or really almost

1 since the time we've started, the low pay has been a concern
2 at Henley-Young. This is the second time I'm aware of that a
3 raise has been given to detention officers but not to
4 Henley-Young staff.

5 And as I alluded to earlier, in order to get some
6 additional funds for staff at Henley-Young, Director Frazier
7 had to transfer funds and delete a number of positions.

8 So ultimately I would be suggesting that those
9 positions be restored and an equivalent raise be provided for
10 staff at Henley-Young. So unless there's some other -- and
11 maybe that's in the works. I don't know. But I'm just
12 concerned about that happening.

13 THE COURT: Thank you, Mr. Moeser.

14 MR. GAYLOR: I would like to address that, if
15 necessary, Your Honor, from the County's perspective.

16 THE COURT: Yeah. Okay.

17 MR. GAYLOR: Okay. Yes, sir. There were raises given
18 to staff at Henley-Young, and we did achieve that some time
19 ago by eliminating some of the -- or at least temporarily
20 eliminating some of the vacant positions that had existed.
21 One of the problems that we had, obviously, was retention of
22 staff, and we were losing staff at a significant rate for a
23 number of factors, but pay being a very large factor.

24 And so with the assistance of Mr. Frazier, we
25 identified pins that had not been filled for some large amount

1 of time, extended period of time, and we were able to move
2 funds into the existing staff's paychecks.

3 It's understood that we will still, based on the
4 staffing analysis that's going to be completed at some point,
5 need to reinstate pins, perhaps, and put money into those
6 salaries. We don't have a -- the County doesn't have a
7 problem in doing that once a staffing analysis has been
8 completed, and that's for both the sheriff's department as
9 well as at Henley-Young. But I wanted to bring that to the
10 Court's attention that the staffing analysis has not been
11 completed.

12 So some of what has been done in the past in terms of
13 funding of the officers has been done without the best
14 information being in front of us in terms of what it was going
15 to take to properly staff both of those facilities, and so
16 that -- once that has been done, then we'll work to fund those
17 positions as well.

18 Now, at the same time, I shouldn't have to bring to
19 anyone's attention the fact that staffing is a concern --
20 staffing shortages are a concern in basically all facets of
21 the economy right now, and so obviously we're going to have
22 staffing shortages and problems in staffing and filling
23 offices, filling positions, with regard to detention services,
24 one of the more challenging jobs to fill anywhere in the
25 country.

1 And so right now with us also adding a vaccine mandate
2 in place, we are aware that we're probably going to lose some
3 more positions throughout the County, and so we're trying to
4 be prepared for that as well, and so we certainly want to
5 bring it to everyone's attention or remind them, at least,
6 that we know that we're going to have some staffing
7 challenges, and even more so that we've taken the steps to try
8 and have a safer environment. And so we hope that the Court
9 and the Department of Justice will give us some level of grace
10 in that area as well.

11 But based on what we've heard from the monitors; the
12 sheriff's department; our administrator, new administrator;
13 Henley-Young administrator; as well as our construction team,
14 I think we've demonstrated that we have made some progress and
15 are certainly working to achieve even greater progress.

16 The question was asked how long? Well, we've had
17 internal discussions with regard to how long it's going to
18 take us to implement the policies necessary to get out from
19 underneath the consent decree, and we feel pretty
20 optimistically internally now that we have our administrators
21 in place, both at Henley-Young as well as Raymond, that we can
22 make some significant progress toward getting out from
23 underneath this consent decree over the course of the next
24 several months.

25 Add to that the fact that we're going to be building a

1 new detention facility, we believe that we'll also have
2 facilities in place that will help us meet some of the
3 concerns that have been expressed.

4 So we hope that we are showing and demonstrating that
5 we are making progress, and we certainly have the intention to
6 make even greater progress now that we have the appropriate
7 administrators in place, Your Honor.

8 THE COURT: Okay. Is it a sure bet that the County is
9 moving toward getting a new detention facility, Mr. Gaylor?

10 MR. GAYLOR: Absolutely.

11 THE COURT: Okay. All right.

12 MR. GAYLOR: We've adopted the appropriate resolutions,
13 we've putting the funding and finances in place, and we feel
14 positive that we have taken those appropriate steps.

15 THE COURT: All right. Thank you.

16 Well, because this is before the Court with respect on
17 the consent decree that was hammered out by the parties, I
18 will let the Department of Justice have the last word today.

19 MR. CHENG: Thank you, Your Honor.

20 The first thing I'd like to do is just get a little bit
21 of a clarification, if at all possible. I believe the
22 architects and Benchmark folks mentioned fire suppression
23 systems in place. I think they mean the fire hoses in place.
24 I'm assuming the sprinkler systems and the rest of the fire
25 alarm system are not really in place yet.

1 The reason that's important is that the padlocked
2 security doors, typically if you're going to do something like
3 that, you have to have other systems in place to offset the
4 risk that you're kind of assuming. Our understanding is
5 Ms. Bryan is drilling her staff trying to make sure emergency
6 keys are readily available, doing some other things to offset
7 the lack of automated systems and the locked doors.

8 We would just note that, you know, if you're going to
9 adopt these alternatives, there's really no room for error,
10 and I do think it's important to put on the record, you know,
11 that this is not an area that people can slip up on. It
12 really is a high-risk area.

13 It's also clear from what the defendants said that
14 they're relying on additional fire watches, which we believe
15 means they need to have staff to conduct the fire watches to
16 make sure those housing units are staffed. As, I believe,
17 Mr. Parrish has indicated, the staffing is not great at
18 Raymond. So, again, you know, these are sort of interim fixes
19 where it's not really clear if they can implement it.

20 All that said, we hear the defendants about the lack of
21 time that Ms. Bryan has had to implement her ideas, and we
22 totally understand that there's been a lot of stuff that's
23 been going on in the past few months, and if there's anything
24 I've said that suggests otherwise, you know, we don't want to
25 create any sort of misunderstanding on this issue. We

1 understand some of these folks have been in place just a short
2 time.

3 But the Department's position from the start has been
4 this is about a system. This is about an entire jail
5 operation, not about the individuals. And when you're talking
6 about systems, you know, fixes cannot depend upon individuals.
7 It cannot depend on who's jail administrator or who's sheriff
8 at a particular moment. And in that area, the County as an
9 entity and the sheriff's department as an agency hasn't really
10 been able to comply with the stipulated orders. It has not
11 put in place detailed timetables and plans for where it's
12 going to go.

13 Even some of the stuff that Mr. Gaylor and Ms. Barker
14 have raised today are a little bit amorphous. We're glad to
15 hear they've got a 5 percent pay increase. They have provided
16 pay increases in the past, and sometimes those were
17 implemented; sometimes they weren't. There have been salary
18 proposals and retention plans proposed to the Court in the
19 past. Sometimes progress was made; most times nothing
20 happened.

21 Our view is that what matters is having something
22 that's actually real, that we can see is really being adopted,
23 and in that area the construction fixes are a very big
24 contrast from some of the operational and staffing fixes.
25 When we talk to the architects and the construction people,

1 they've got timeframes. They've got plans. They can tell us
2 what they're working on.

3 When we talk to the sheriff's department, we're not
4 sure if they're meeting with the jail administrator. We're
5 not sure what they're actually doing in terms of the staffing
6 retention plan that is required by the Court's orders.

7 On things like pretrial services and criminal justice
8 reforms and bringing in outside consultants to fix those
9 operational pieces, you know, it's good to hear that people
10 are taking action. What isn't clear is what's actually going
11 to be adopted.

12 And so, you know, I am positive in certain regards
13 about where this jail is going, but I don't think it's unfair
14 for us to ask the County to actually do what it already
15 promised to do in the agreements.

16 THE COURT: Thank you, Mr. Cheng.

17 Ms. Simpson, you and your team, I imagine, are -- is
18 this the week that you are visiting with the County to start
19 your process of preparing for the 15th report?

20 MS. SIMPSON: Actually, the interviews will take place
21 the week of October 4th.

22 THE COURT: Okay.

23 MS. SIMPSON: But we are in the process of getting
24 requested documents and reviewing those documents at this
25 point, and that will continue through the time of the

1 interviews as well.

2 THE COURT: Okay.

3 MS. SIMPSON: And unfortunately, as you probably know,
4 we're going to be remote again this visit. We had hoped to be
5 on-site when everything seemed like it was going to look good
6 in May or June, and then, of course, everything -- COVID
7 exploded.

8 THE COURT: Yeah. Exploded for us all. So okay. We
9 hope you can make a personal visit at some point soon. I'm
10 certainly not suggesting that you put yourself at risk, but
11 now that the County has an official policy where all employees
12 are vaccinated and all employees are required to wear masks or
13 either be -- and those who are not vaccinated are tested, and
14 if you refuse to take the test, you'll be fired sounds to me
15 that that's going along the lines of making the detention
16 center, at least, more safe. But, again, I'm not expecting at
17 all for you or your team to put yourselves at risk.

18 As I've said all along, this is a huge source of
19 concern for the Court. No one in the custody of the jail
20 administrator ought to die, and I know Major Bryan does not
21 want that to happen. I know that the County, the sheriff,
22 doesn't want it to happen. But when I read stuff in the
23 report, there is an extremely large amount of contraband,
24 record number of fights and assault; there continue to be
25 fires set; a number of overdoses. When I see stuff like that,

1 again, it speaks to the systemic problems that the Department
2 of Justice has been alluding to.

3 Our major concern is making sure that these
4 detainees -- we always have to remember these are pretrial
5 detainees. These are people who are presumed to be innocent.
6 They're there because they have not met bail for whatever
7 reason, and we have a duty to protect them so that they can
8 appear for their trial, so that they can ultimately face the
9 judgment of our judicial system, and we need to make sure that
10 that place is safe, decent, and in order for them. And the
11 public needs to be assured that the County can provide this
12 delivery system, if you will. And if the County cannot do it,
13 someone else has to.

14 But that's all that I have for this status conference.
15 The parties will -- you know, the monitors will prepare their
16 next -- complete their next round of business, including
17 submitting the 15th monitoring report, and we will pick up
18 from there.

19 I thank all of you for your participation, and I hope
20 you continue to take care of yourselves, your families,
21 friends, and all those who you're around, and that concludes
22 all that the Court has before it today.

23 The Court is now adjourned.

24 MR. CHENG: Thank you, Your Honor.

25 MS. SIMPSON: Thank you, Your Honor.

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MR. GAYLOR: Thank you, Your Honor.

MR. CRISLER: Thank you, Your Honor. Have a great day.

COURT REPORTER'S CERTIFICATE

I, Candice S. Crane, Official Court Reporter for the United States District Court for the Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the forenamed case at the time and place indicated, which proceedings were stenographically recorded by me to the best of my skill and ability.

I further certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

THIS, the 12th day of October, 2021.

/s/ Candice S. Crane, RPR CCR

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